

The deter

minations of the moſte ſa-
mous and moſte excellent
vniuerſities of Italy and
Fraunce, that it is ſo vn-
leſfull for a man to ma-
rie his brothers wyfe
that the pope hath
no power to diſ-
pence ther
with.

¶

1793
THE
MUSEUM
BRITAN
NICVM

The determin.

The determinacion of the vni-
uersite of Oyleaunce.



Now longe syns there
were put forth vnto vs
the college of doctours
regent of the vniuersi-
tie of Oyleaunce, these .ij.
questions, that folowe.
The fyrste, whether it
be letul by the lawe of god for the brother
to take to wyfe that womā whom his bro-
ther hath leste. The secōde, and if this be
forbydden by the lawe of god / whether
this prohibition of the lawe of god maye
be remytted by the pope his dispensation.
We the forsaide college of doctours regent /
accordyng to our custome and vsage, came
many tymes to gether, and dyd sit diuerse
tymes vpon the discussinge of these forsaide
doubtes and questiones, and dyd examine
and wey, as moche as we myght, dyuerse
and many places both of the olde testamēt
and the new, and also the interpreters and
declarers bothe of the lawe of god and of
the canon lawe. And when we had weyed
and cōsidered all thinges exactly and with

A.ij.

Good

The determini.

good leyser and deliberation, we haue determined and concluded that these forsaide mariages can not be attépted nor enterpri- sed/except a man do wronge and playne cō- trary to the lawe of god : yea and that all though it be done by the pardon and suffe- faunce of the pope : And in witnes of this cōclusion and determination/ we haue cau- sed this present publike writynge to be sy- gned by our scribe of our sayde vniuersite/ and to be strenghted and fortified with the seale of the same. Inacted in the chapell of our blessed lady of the annuntiation/ or of the good tidinges/ that she had of Chri- stis comynge / in Oileance, the yere of our lorde. 1529. the .5. day of Aprill.

The Determinaciō of the faculte of the decrees of the vniuersite of Paris.



In the name of our lord. so be it. There was put forth before vs, the Deane and college of the ryght counseilfull faculte of decrees of the vniuersite of Paris this question, whether the Pope myght dyspense, that the brother myght mary

mary the wyse that his brother had leste,
 if maryage betwen his brother nowe deed
 and his wyse were ones consummate. we,
 the dean and Colledge of the forsaide facul-
 tie, after many disputacions and reasons
 made of bothe sides vpon this matter, and
 after great and longe tournynge and ser-
 chynge of bokes bothe of the lawe of god
 and of the popes lawe/and of the lawe Ci-
 uill: we counsel and sey that the pope hath
 no power to dispense in this forsayd case.
 In wytnesse whereof we haue caused this
 present wrytinge to be strenghted with the
 seale of our facultie / and with the signe of
 our scribe our chese bydell, Gyuen in our
 cōgregation or assemble at saynt John La-
 teranense in Parys the. 25. day of Maye
 the yere of our lorde. 1530.

**The determinatiō of these. ii. facultes/
 that is/ of the Popes lawe/ and the Ci-
 uill lawe/ of the vniuersite of Angewe.**

At longe tyme sins ther were pro-
 posed vnto vs, the Rector and do-
 ctours regentes in lawe Canon and
 Civile of the vniuersite of Angewe, these
 A. ii. tow

The determin.

two questions here folowynge. That is to witte; whether it is vnleful by the lawe of god, and the lawe of nature, for a man to mary the wyfe that is leste of his brother and that departed without childerne, but so that the mariage was cōsummate. And agayne; whether it is leful for the Pope to dispense in suche mariage. we the fore said Rector and doctours haue, accordynge to our custome and vsage, many tymes comen to gether / and sytten to dispute these questions, and to synde out certaynly the treuth of them. And after that we had discussed and examyned many and dyuerse places, as wel of the lawe of god, as of the lawe of man / whiche seme to pertyne to the same purpose: and after that we had brought many reasons for bothe parties, and examined them: all thynges seythfully, and after good conscience consydered, and vpon sufficient deliberation and auisement taken: we define and determine, that nother by the lawe of god nor of nature it is permitted for any Christen man / no nat euin with the auctorite of the seate apostolyke, or with any dyspensation graunted by the pope / to mary the wyfe / that his brother

of the vniuers.

4

brother had leste/ all though his brother
be departed without chyldren, after that
marriage is ones fyniss bed and consumate.
And for witnesse of all these forsaide thyn-
ges/ we haue comaunded our scribe of our
fore sayd vniuersyte to sygne this present
publike instrumēt/ and it to be fortified by
the greatte seale of our sayde vniuersite.
Inacted in the churche of seynt Peter in
Angewe by our college / the yere of our
lorde. 1530. the .7. day of May.

**The determination of the facultie of di-
uinitie of the vniuersitie of Paris.**



The Deane and the facultie of
the holye diuinitie of the vni-
uersitie of Paris to all them
vnto whom this p̄sent wrytig
shal come/ wyss heth safetie in
our sauour Christe / whiche is the verye
trewe safetie. where of late there is rylen
a controuerſie of great difficultie vpon the
marriage betwene the mooste noble Henry
the. viij. kynge of Englande/ defendour of
the saythe/ and lorde of Irelande. &c. and
the mooste noble lady Catharine / quene of
A.iiij. Englade.

The determin.

Englande/doughter of the Catholike king
Ferdinande, which mariage was nat one
lye contracte betwene her and her former
husbande/but also consummate and fyny
fshed by carnall intermedlynge, this que
stion also was proposed vs to discusse and
examine accordynge to Justice and treuth
that is to say/whether that to marie her
that our brother deade without chylde
hadde leste/be so prohibite by the lawe of
god and of Nature/that hit can nat be
made lesfull by the popes dispensations/
that any christian man shulde marye the
wyfe, that his brother hath leste. we,
the foresayde deane and facultie callynge
vnto our remembraunce howe vertuous
and howe holy a thyng and howe agrea
ble vnto our profession, vnto our duetie
of loue and charitie/hit is for vs to shewe
the waye of Justyce and ryght, of vertue
and bonestie to them/ whiche desyre to
leade and passe ouer their lyfe in the lawe
of our lorde with ficker and quiet consci
ence: wolde nat but be redy to satisfie so
iuste and honest requestes. wherupon af
ter our olde wonte, we came to gether v
pon our othe in the church of saynt Ma
turin

turin/ and there for the same thyng had
a solempne masse with deuout prayer to
the holy goste/ and also we toke an othe
euery man to delyuer and to study vpon
the foresayde question, as shulde be to the
pleasure of god/ and accorngynge to consci-
ence. And after diuerse and many sessions
or syttynges, whiche were had and conti-
nued in the church of seynt Daturin, and
also in the college called Sorbone, fro the
viii. day of June to the seconde day of Ju-
ly / when we hadde serched and examined
throwe and throwe, with as moche dily-
gence as we coulde, and with suche reue-
rence and religion or cōscience as becometh
in suche a matter, bothe the bokes of holy
scripture, and also the moſte approued in-
terprieters of the same, finally the generall
and synodall councelles, decrees / and con-
stitutions of the sacre holy church/ which
by longe vsage and custome haue ben res-
seyued and approbate: we the foresayde
Dean and faculte, disputinge vpon the fore-
sayde question, and makynge answer to
the same: and that after the iugement and
full consent of the moſte parte of the facul-
tie, haue concluded and determinied, that

A. y.

the

The determin.

the foresayde mariage with brothers wyues, departyng without chyl dren, be so forbydden, bothe by the lawe of god, and of nature, that the pope hath no power to dyspense with suche maryages, whether they be cōtracte, or to be cōtracte. And for credence and beleue and witness of this our assertion and determination, we haue caused the seale of our facultie, with our notaris signe to be put vnto this present wrytinge. Dated in our general congregation, that we kepte by an othe at saynt Matu rins, the yere of our lorde. 1570. the seconde day of July

The determination of the vniuersite of Biturs.



Ve the Dean and facultie of diuinite in the vniuersyte of Biturs, bycause we wyll accordynge to the ensample of Paule the doctour of the gē tiles, whiche dothe lyke wise in many places, wyl begyn our wrytinge with prayer, vnto al the beloued of god, amonge whom you most dere redere, vnto who we write,
be

be called grace and peace and quietnesse of
conscience come vnto you from god the fa-
ther / and fro our lorde Jesu Chreste . with
in the octaues of whytsonyde / whyle we
were gethered to gether all into one place
both in body and mynde, and were sytting
in the house of the foresayde Dean, there
was a question put vnto vs ageyne, which
had ben proposed vnto vs often tymes be-
fore, beinge no small question, which was
this: whether the brother takyng the wife
of his brother now deed, and the mariage
ones consummate and perfecte, dothe a
thyng, that is vnlefull, or no. At the laste
when we had sought for the treuth of the
thyng, and had perceiued and founde it
out by moche labour and studie of euery
one of vs by hym selfe, and by moche and
often turninge of holy bokes / euery one of
vs not corrupt, wherby we might the lesse
haue obeyed the treuth, began as the ho-
ly goste dyd put in his minde, to gyue eue-
ry man one arbiterment and sentence, whi-
che was this: I haue wel perceyued in ye-
ry trouthe with out regarde or respecte of
any person, that those persones / whiche be
reberfed in the .xxiii. chaptre of the Leuiti-
call

The determin.

call / be forbydden by the very lawe of nature to contracte matrimony to gether , and that this lawe can in no wyse be releasfed by any auctorite of any man : by the whiche ther is made an abhomyable discovering of the brothers foulnes. And this is the signe of our comen bedyl & notary, & the seale of our foresayd facultie put vnto this present wrytynge the .x. day of June, the yere from the byrthe of Chryste. 1530. And by cause the foote of our wrytynge shal be of one forme or fasshion with the heed, as we began with prayer / so let vs ende, after the example of Paule that we spake of before, and sey : The grace and fauour of our lorde Jesus Chryste / the charite and loue of god, and the communion of the holy gost be with you al. Amen.

The determination of the facultie
of diuinitie of the vniuer-
sitie of Bononpe.



God best, & myghtiest, taught
firste the olde lawe or testa-
ment with his owne mouth
to forme and fast byon accor-
dyng to loue and charitie the
maners and lyfe of men. And seconde the
same selfe god dyd take afterwarde man-
hode vpon hym, for to be the redemer of
man: and so made the newe lawe or newe
testament, nat onely to forme and fast byon
accordynge to loue & charitie, the lyfe and
the maners of men: but also to take away
and to declare doubtles the whiche dyd a-
ryse in many cases: whiche whan they be
ones clerely determined shall helpe great-
ly to pfecte vertue and goodnes: that is to
say, to perfecte loue and charite. wherfore
we thought it euermore that it shulde be
our parte to folowe these moost holy doc-
trines & lawes of our father of heuen and
that we lyghtned by the lyghte of god a-
boue & of the holy gooste, shulde gyue
our sentence and iudgement in hyghe and
doubte.

The determin.

doutfull matters/ after that we haue ones
leyserly and sufficiently taken aduiseinent
vpon the cause, and haue clerely serched
out & opened the thyng by many reasons
and writings of holy fathers / as well for
the one parte as for the tother/ doynge no-
thing as nighe as we can rasshelly or with-
out deliberation. Therfore where as cer-
taine great & noble men dyd instatly desyre
vs/ that we wolde with al diligēce possible
loke for this case / that hereafter insuethe
and afterwardes to gyue our iugemēt vpo
the same/ accordynge to most equite ryght
and conscience/ sticking onely to the truth/
all the doctours of diuinite of this vni-
uersitie / whan we had euery one by hym
selfe examined the matter before at home
in our houses, came all to gether in to one
place / and there treated vpon hit many
dayes/ with as moche counnyng and lera-
nyng as we coulde : we anon loked vpon
the case to gether/ we examyned hit to ge-
ther / we compared all thyng to gether :
we handlyng thoroughly cuery thyng by
it selfe/ dydde trie them euen as you wolde
saye / by lyne and rule: we brought forth
all maner of reasons/ whiche we thought
coulede

could be brought for the contrary parte
& afterwarde solved them. ye euen the re-
sones of the mooste reuerende father Car-
dinal Caietaine, yea more ouer the Deute-
ronomi dispensation of styrring vp the bro-
thers sede, and shortly all other maner of
reasons and opinions of the contrarie par-
tie, as many as sented to belonge to this
pourpose. And this question, that was as-
ked of vs was this / whether hit was for-
bydden onely by the ordynauce of the
churche / or els by the lawe of god / that a
man myghte nat marye the wyfe leste of
his brother: departed without children.
And if it were comaunded by both the. ij.
lawes nat to be done, whether the pope
may dispence with any man to make suche
marriage? the whiche question nowe that
we haue examined it bothe by our selfe se-
cretely, and also openly as diligently and
exactly as we coulde possible, and discussed
it after the best maner that our witte wold
serue, we determine / we gyue iudgement,
we sey, and as flisy as we can we witnes/
and without any doute / do stedfastly hold/
that this marriage: shulde be horrible / ac-
cursed / to be cryed out vpon / and vtterlye
abhomi

The determin.

abominable, not onely for a chriſten man,
but alſo for any infidell, vnſeytful, or he-
then. And that it is prohibite vnder grea-
uous peynes and punyſhementes by the
lawe of god of nature and of man, and that
the pope, though that he almoſt maye do
all thynges, vnto whom Chriſte dyd gyue
the keyes of the kyngdome of heuē, hath
no power to gyue a diſpenſation to any
man for to contracte ſuche a marriage for
any maner of cauſe conſideration or ſug-
geſtion. And all we be redye at all tymes
and in al places to deēde and maynteine
the treuth of this our conſolution. In wy-
neſſe wherof we haue made this preſent
writing, and haue fortified the ſame bothe
with the ſeale of our vniuerſitie, and alſo
with the ſeale of the college of the doc-
tours of diuinitie, and haue ſubſcribed &
ſigned it with our general and accuſtomed
ſubſcription. In the cathedrall church
of Bonony the .10. daye of June, the
yere of our lordes 1536.
Under the popes hyppocrite
Clemente the
eighth.

The determination of the faculte
of diuinitie of the vniuersitie
of Padway in Italy.



They that haue written for the
mayntenaunce of the catholike
seyth, affirme that god best and
mightiest dyd gyue the precep-
tes and comādementes of the olde lawe
with his owne mouthe, to be an exampler
for vs/ wherin we might se howe we shuld
order our life & our maners/ and this god
had done before he became mā. And after
that he had put vpon hym our manhode/
and was become redemer or byer of man-
kinde/ he made the newe lawe or testamēt/
and of his mere liberalitie dyd gyue it vs
nat only for the cause before sayd, but also
to take away and declare al maner of dou-
tes and questions / that myghte arise / the
whiche ones opened and declared what
their very true meanynge is/ to the intent
that therby we myght be made perfectly
good/ be greatly frutesfull vnto vs and hol-
some/ and seinge that this was the mynde
of god in makynge these lawes/ it hath ben
our intent/ and euermore shal be, as it be-

B

cometh

The determin.

cometh christen men/to folowe these most
solempne ordinaunces of the moste hygh
worke mayster god / and by the helpe of
light, that is aboue the capacite of nature,
to vtter our iudgement in al maner of dou-
tes and harde questions. After that we
had ones consydered the thyng after the
best maner, and had by suffycient leyser
made it clere by many euident reasons of
bothe parties, and by many auctorites of
fathers of the church, determinynge no
thinge, as nere as we can, rassbely or with
out conuenient deliberation : seynge ther-
fore that certeyne great orators or ambas-
sadours dyd humbly praye vs / that we
wolde wytsaue to serche out / with all the
diligence that we coulde / this case solo-
wynge : and afterwardes to gyue our sen-
tence vpon the same, playnely & symply lo-
king vpō the only treuth / all the doctours
of diuinite of this vniuersite came to geder
after that we had euery mā examined the
thyng particularly at home in our owne
houses, and haue beatē it out with all ler-
nyng and counnyng that we were able / a-
non, whan we were to gether, we cosyde-
red, examyned, and weyed all thynges by
them

them selfe, and brought in all maner of reasons / whiche we thoughte myghte in any meanes be made to the contrarye / and without all colour or cloke dyd holly and clerely dissolue them, ⁊ take them awaye : and amongst al, euyn the dispensation by the lawe of the deuteronomi of styrrynge vp the brothers sede, and all maner other reasons and determinations to the contrary, that semed to vs to perteyne any thing to the purpose / we vtterly confuted and dispatched them. And the question, that was put vnto vs is this. whether that to marye the wyfe of our brother departed without children, is forbiddē only by the lawe of the church, or by the lawe of god also; and if it be forbydden by both the.ij. lawis / wheder the pope may dispēce with any man for suche matrimonie or no. whiche question nowe that we haue discussed it / and as farre as we coulde, haue made it clere / bothe priuately euerye man by hym selfe / ⁊ all to gethers openly / we say / iuge, decree / wytnesse, and for a treuth affirmer / that such mariage is no mariage: yea that hit is to be abhorred and cursed of euerye christen man / and to be abhominable as a

B.ij.

griuous

The determin.

greuous synne/and that it is as clerely as
can be forbydden vnder moost crudell pe-
nalties by the lawe of nature, of god, and
of man. And that the Pope, vnto whom
the keyes of the kyngdome of heuen be
commytted by Chriſte, the ſonne of god,
hath no power to diſpenſe by ryghte and
lawe for any cauſe or ſuggeſtion, or excuſe/
that any ſuche matrimonie ſhulde be con-
tracte. for tho thynges/whiche be forbid-
den by the lawe of god/ be nat vndernetb
his power/ but aboue hit/ nor he is nat the
vicar of god/ as concernynge tho thynges/
but only in ſuche thynges/ as god hath nat
determined him ſelfe in his lawe/ but hath
leſte them to the determination and ordi-
nance of man. And to mainteine the truth
of this our ſentence and cōcluſion/ and for
moſt certaine/ & vndoubted defence of the
ſame, we all of one mynde and accorde,
ſhall at all tymes and in euerye place be
redye. In wytnesse wherof we haue made
this writinge, and haue auctorized it with
the accuſtomed ſeale of our vniuerſitie,
and alſo of our college of diuines. Dated
at Padway in the church of the hermites
of ſeynt Aulſten the .i. day of July an. 1530.

The

**The determination of the vni-
uersitie of Tolose.**

Ther was treated in our vniuersite of Tolose a very harde question, whether it is lesful for the brother to marry her, whiche had ben wyfe vnto his brother now departed, and that without childerne. There was be syde this, a nother thyng that troubleth vs very sore, whether, if the Pope, which hath cure of Chri- stes flocke, wolde by his dispensatiō, as men- cal it, suffer this: that thā at the leest wise it myght be lesfull. The Rector of the vni- uersite called to counsell all the doctours re- gentes, that were that tyme at Tolose, for to shewe theyr myndes vpon this questiō, and that not ones but twyse: for he iuged that counsell gyuyng ought not to be ha- sted, nor done vpon heed, and that we had nede of tyme and space to do any thyng conueniently, and as it ought. At the last there came to gether in to one place all the best lerned and cunningest doctours, both of holy dyuinite, and also doctours, that were most best lerned in bothe lawes, yea and finally as many as had any experiēce.

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in any matter, & were able to do any thing
other by iudgement and discretion: or by
eloquence, or by their excellēt wyttes: and
did swere, that they wolde obey the sacre
boly counsels, and wold folowe the decrees
of the fathers, whiche no man, that hath
any good conscience/ will violate or breke/
and so euery man sayd his mynde/and the
matter was debated and resoned diffusely
and at large for both parties. In cōclusion
we fell so faste vnto this poynt, that this
was the sentence and determination, that
our vniuersite/with one voyce of all /dyd
determine and conclude, with moste pure
and clere conscience, and defyled with no
maner of leuen or corruption: that it is les
full for no man, nother by the lawe of god
nor yet by the lawe of nature, to take her
to wyfe, that his brother hath lefte. And
scinge that it may not be done by the lawe
of god, nor of nature, we answered al/that
the Pope can not lose no mā fro that lawe/
nor dispense with hym. And as for that
thyng can not be contrary to our sentence
& verdict, that the brother in olde tyme
was compelled by the lawe of the Deute-
ronomi to mary the brothers wyfe depar-
ted

red without issue. For this lawe was but a figure and a shadowe of thinges to come, whiche vanissed a wey, as soone as euer the lyght and treuthe of the gossPELL appeared. And bycause these thynges be thus, we haue giuen our sentéce after this forme aboue, and haue commaunded that same to be signed by our notarie, whiche is our secretarie, and to be fortified and auctorisied by the puttynge to of our autenticall seale of our vniuersite aforesayde. At Toulouse the calendes or fyrst day of Octobre, the yere from the birthe of Christe. 1530.

☛ The p̄face to the reder.



Entyll indifferent reder thou hast here before the determinations and decrees, whiche the moost famous and moost noble vniuersities of al christendome haue with great consente, great iugement, and discretion, with great faithfulness, and without any corruption, with great regarde, clerenes, and discharge of conscience made, and by theyr auctoritie

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The determin.

confirmed vpon those leuitical lawes : by
the whiche it is forbydden / that any man
shulde marie the wyse of his brother de-
parted without chyldren / and we doubt
nat / but these decrees and determinations
ought of right and good reason to be be-
leued / both of the and also of all other /
that be men of wysedome and discretion ;
and that be nothyng affectionate / but in-
different. For suche men wyll be well con-
tente and satisfied alonely with the very
truth it selfe / all though it be nat fortified
with any wytnesse ; nor sette forth with
pompe and plentie of reasons : so that
suche men wolde nothyng doute / but that
thyng oughte to be iudged as certayne
and trewe / as possible may be / the whiche
so many of the moost absolute / and moost
wyse / and moost best sene men in all kynde
of lernynge haue serched / beaten out / tra-
sed out / and in conclusion decreed and de-
termined / with so great grauitie and sobre
maner / with so great studie and diligence /
and with suche leysour and deliberation.
But parauenture there be some / the whiche
wyll lyttell be moued from their opi-
nion / that they haue ones taken / for all
those

those decrees and verditcs of so great lerned and wysemen/and for al the agreement and auctoritie of so many and so excellent vniuersities / but wyll thynke / that hit is necessarie to entre hygher and deper yet into the knowlege of the treuth/and wyll nat grounde and stablysshe theyr beleue but euen vpon the foundations and groundes of very truth selfe/ whiche they them selfe haue spyed and clerely perceyued / and nat vpon other mennes sentences and iudgementes. Therfore we haue iudged/ that we shulde do a thyng worthe our labour / if we dyd gather in to one smalle boke certayne reasons and auctorities/ by the whiche it might be plainly and openly declared/that ther were very weighty and ryghtfull reasons / whiche were able to baynge so many lerned men into this true opinion. And in doing our diligence in this matter/bit semed to vs conuenient to folowe, as a certayne rule and lyne/ nat only the auctorities of holy scripture / of holy counsailes and canons, and also of the most approued and rescuyed doctours of the church: but also the wytnesse of reason and nature/ and to set before mens eyes/as

B.v.

farre

The determin.

farre as scripture or reason, or synallye nature semed vs to helpe, for the declaration and confirmation of the iudgement and mynde of these foresayde lerned men. And if so be it gentil reder, these thynges, that we shall sey, shall not fully satisfie thy marueilous exact iudgement, and shall be sene not to be greatly necessarye, and to proue but smally this matter, that we go aboute: there shall be no cause for all that, why thou shuldest esteeme the most weightie determination, and moſte hyghe wisdom and lernynge of these vniuersities, by our power and smalle lernynge: but shall be for thy naturall gentilnes pardon our weaknesse and sklendernesse of wytte and lernynge, the whiche was not able to do no better: & shall loke for more weightie and pitthie reasons of the vnyuersities selues, whiche reasons as these vniuersities haue them in a redynes and at hande, so we doubt not, but of their humanitie and gentilnes they will gladly shew them to euery man, that will desyre them, and also shortly put them out openly to all the worlde. In the meane season, gentil indifferente reder, take in good worthe
our

our studie/and saythful diligence, and this
our labour and enterprise, and loke ouer
these wrytinges (suche as they be) gladly
and indyfferently. And let it not be payn-
full vnto the good reder/ yf we tary in any
place in this worke somewhat longe: for
bothe the diffycultie and hardnesse of this
thyng, and the maner of our intent and
pourpose dothe necessarily require, that
we shulde touche eche one thyng some-
what depely euen from the bede and very
fountayne and begynnyng of hit. And
farthermore, that we shulde declare and
open all thynges somewhat at large and
plentyfully, and that specyally in the syfte
chaptre of thys boke, wherby bothe the
treuthe, playnely shewed, maye the more
clerely be seen, and the errour, and false
opynion of them, that be of the contra-
rie syde, maye be the more easely percey-
ued. And seinge, that this verdyte and
iudgement of the Vnyuersitytes contey-
neth chieffely two thynges / the whiche,
as ye wolde saye / be the hyghe poyntes
and heedes or issues of this determyna-
tion: The fyrste, that hit is forbydden,
bothe by the lawe of god and also by the
lawe

The determin.

law of nature/that any christen mā shulde
marie the wyfe of his brother dyeng with
out children. The seconde/that the Pope
hath nat power to dispence vpo any suche
mariages/whether they be contracte all-
redy/or els yet to be contracte. It lyked vs
bere fyrste and forme to loke vpon the
lawe of god/ that we might clerely se the
glorious bryghtnes of the treuthe of our
lorde. For trewly who so euer wyll dili-
gently loke with suche eies/ as he oughte
vpon the lawe of god/puttyng of elene the
coueryng of his flesshe and bloudde/with
the desyres, affections, and lustes of the
same/ by the whiche a manne is blynded,
that he can nat se the trewth of god/ he
shall without doubte vnderstande/ what
thynges be of god, what thynges be of
Christe, ⁊ what thynges be of the spirite or
goste. For truely the same lawe doth per-
fectely teache/ what thynges so euer be-
longe to the feare and drede of god, what
to the euermore enduring treuth/ what to
the everlasting iustice of god/ what to the
power and vertue of god/ what to the
grace and sauour and to the free benefites
of god/ what to seyrh, beleue, and truste/
what

what to knowlegynge of synne / what to
holynesse / what to perfection / to rightnes /
to equitie and conscience / to loue and cha-
ritie / breuely / what thynges before god are
taken for cleane or vncleane / fyled or vn-
fyled / comely and acceptable / abhominable
and cursed / holy and unholy . All these
thynges teacheth the sayde lawe of god.
And the historie of Moyses (concernynge
the sacrament of matrimony) is after this
maner and forme folowynge.

☛ The fyrste chaptre.



Cod that is best and almightie / after that he by his po-
wer / whiche can in no wise be
expressed / had made heuen &
erthe, and all thynges, that
be conteyned within the compasse of the
same, and at the laste had made Adam
also / he sawe accordynge to his incredible
knowlege and wysedome / that it was nat
conuenient, nor yet good, that Adam shuld
leade his lyfe in Paradyse solitary and all
alone without company / and destitute of
all helpe and comferte. for god made hym
naturally

The determin.

naturally to lyue in amitie and frendship/
in loue and good wyll/ and hadde grauen
nowe alre dy in his soule / with his synger
of the holy goste/ certayne generall vnder
standynges / perceyuynges / and knowle-
ges / the whiche shulde nat onely moue
and sturre hym to the loue of god and
man / to amitie and frendes byppe/ and to
other dueties/ dedes/ and offices of vertues
but also shulde greatly helpe and strengtb
hym/ make hym able and of power to per-
forme and fulfyll those same offices of ver-
tue/ after suche maner as they ought to be
done. Therfore god/ soone after he hadde
made Adam/ cast hym in a deed slepe/ and
toke out one of his rybbes of his side/ and
made it a womā. And whā he had broght
her vnto Adā/ & had coupled them straitly
to gethers, by the bōde & knot of mariage/
by and by he made the lawes of mariage/
sayenge by the mouth of Adā, Nowe this
bone of my bones and flesshe of my flesshe.
For the which cause a man shal leaue his
father and mother / and shall stycke vnto
his wyfe: and they shall be two in one
flesshe or body/ or two shall be made one
flesshe or bodye. But the deuyll hauynge
enuy

enny at their felicitie/ by and by came vpo
them by subtiltie and suche crafte/ as can
nat be tolde/ and dyd nat ceasse tyl he had
allured them into the snare of synne. And
therfore they were owlawed and dreuen
forthe of Paradyse / and were cōpelled to
till and labour the ertb. There when they
had applyed them selfe to brynge forthe
children, and nowe by proces of tyme the
multitude of men was increased vnto an
infinite noumbre: god seynge/ that moche
was the malyce and vyce of men in the
ertb, and that all the thought and mynde
of the herte of manne was sette and bent
euermore and at all tymes to noughty-
nesse and synne, in so moche that they
toke them wyues at aduentures, whome
so euer they hadde chosē / sparynge or
forbearynge no maner degree of affinitie
or kynred: oure lordē repentynge hym
selfe / that he hadde made man, brought
in the waters and Noes fludde vpon
the ertbe / and slewe all the flesshe / in
the whiche was the spirite of lyfe vnder
beuen / excepte those fewe, whome he
commaunded to go in to the arke or
shyppe of Noe, the whiche fewe whanne
after

The determin.

after the drownynge of the worlde/ they were called out of the shyppes abroad, that is to witte, whan that our lord was atone ageyne with mankinde, he gyuyng his blessing to Noe & his children / whan he was about to publiff he vnto them agayne the lawes of maryage: Fyfte and before all thynges he commanded them to do their dutie in mariage, and to encrease and multiplie/ and fyl ful the erthe. But after this whan certayne hundredes of yeres were paste, and nowe the children of Israel, after theyr departyng out of Egypte (where they hadde dwelled of a longe tyme) had ben in the wyldernesse .lx. dayes more or lesse/ and had pyght their tentes ageynste the mounte of Oreb, and there our lord had shewed vnto Moses, with wonderfull religion and fearefulnes, nat onely the commaundementes and iudgementes/ the whiche he wolde to be gyuen to his people: but also had instructe hym at large of the buyldynge of the tabernacle / and of the ornamentes of the same, of sacrifice doinge, and of boile bourned sacrifice/ and of the place and tyme of the same / of the prestes of the kynred of Leui/ of the difference

rence of meates / of the clenſynges of le-
prijs / and of other miſtycal thinges: in the
whiche outwardly appered a ſhadowe of
ſeythe / and of good maners / not the very
thyng in dede: our lorde called Moſes
vnto hym agayne out of the tabernacle of
witneſſe or promyſe / and by cauſe that the
tyme was euen at bande, for the people of
Iſrabel to entre into the londe, that god
hadde promyſed them, he commaunded
Moſes ageyn / that by his worde and cō-
maundement he ſhulde admonyſſe the
people of newe / of kepyng the moralle
preceptes / and that perteyne to good ma-
ners / and to the orderyng and wel rulinge
of theyr lyfe / and that he ſhulde make
them playn and open vnto them / after the
moost largeſt and playneſt maner that he
coulede. Therfore by cauſe, that god dyd
ſtudy / and dyd care before al thinges / that
his people / whom he had choſen for his
owne propre flocke / ſhuld with ſuche cha-
ſtitie and pure holynes / as becometh / kepe
their matrimony / the whiche is in honour
and reuerence amongeſt al folkes: And bi-
cauſe they ſhulde kepe their beddes vn-
ſpotted and vndefiled / nor ſhulde nat pol-

L

lute

The fyrste

lute them selfe with suche maner of maryages, as he had abhorred and had in abhominacion nowe of longe tyme amongst the bethens/ & had ryghtfully be reuēged vpon them by mooste greuous punysshementes, bycause they were vncarytable/ incest/ and a cursed/ our lorde comaunded Moses, that he shulde prescribe vnto his people/ lawes of matrimoni, that shuld be cōformable and agreing with honestie and shamefastnes naturall/ and that he shulde vtterly forbydde suche maryages/ whiche had foulenes and dishonestie in them. And therfore our lorde vsed these wordes vnto Moses/ in the .xviii. chaptre of the Leuiticall / sayenge: O Moses/ speake vnto the children of Israhell/ speke and tell them/ nat thy worde/ nor thy commaundement/ but myne. For I my selfe/ their very lorde and god/ do teche them this/ and this commaunde them/ that they lyue nother after the abhomynable custome of the Egypciens/ from whose miserable bōdage I haue delyuered them into perfecte and full libertie, by my valiaunt arme and myghtie power: nor yet after the vngracious vsages, and maners of the Cananees/ whose lande

I wyll gyue vnto them / and wyll brynge
them into it: but that they from henceforth
obserue and kepe my commaundementes /
my iudgementes / and my lawes, and that
they folowe them, and lyue after them.
For besyde other myscheuous vices / this
thyng also is leful and customable amonge
those bethens / to myngle or marye them
selfe by moost shamefull luste and plesure
of their bodyes with women / that be most
nyest of their bloud / and of their affinitie /
puttyng no difference betwene them and
other women. Therfore I wyll haue my
people to be very farre from their maners
and conditions. And therfore I myn owne
selfe, theyr verye lord and god, saye vnto
them, & comande them / that no mā so bar
by to come nye any woman / that is nere of
his blood / for to discouer her foulenes or
shame, as to his owne mother, to his step
mother, to his syster, to his nece / to his
aunte or fathers syster / to his mothers
syster, to the daughter of his son in lawe,
to the daughter of his daughter in lawe,
or to his wyues syster. Also no man shall
take the wyfe of his brother, and no man
shal discouer the foulenes of his brothers

L.ij.

wyfe /

The fyrste

wyfe, bycause it is the foulenes of his brother. For who so marieth his brothers wyfe/ dothe a thyng/ that is vnlesfull, he shall be without sonnes or heyres male. Therfore lette nat my people be polluted with none of these thynges, with whiche all the bethyns be defyled/ whome I shall cast out before their faces, and with whom that lande is polluted/ and I shall visite & loke on the mischeuous sins of that lande/ that it shall vomette and spewe forth the inhabitantes of hit. Lette them kepe my lawes, and my iugementes/ and se they do none of all these abhominacions, whether he be of the countrey borne, or a tyll man/ that is a straunger amonge them. For the dwellers of this lande/ whiche were in hit before them/ and haue polluted hit/ haue done all those cursed thynges. Therfore let them beware/ lest that whan they haue done like thingis, the lande vomet & spewe them out/ likewyse as it hath vomet and spewed out the nacion/ that was there before them. For euery soule, that shall do any of these abhominacions/ shal perisshe from the myddes of my people, nor shall nat be rekened amongest my holy people.

And

And trewly bytherto we haue shewed you by a certain breue exposition/and that only vpo the feythe & credence of the most approued doctours, that be, and also as shortly as we coulde/almost all that ever is prescribed and commaunded in the olde testament, by the mouth of god hym selfe, vpon the begynninge and fyrst ordynace of maryages/ and of the lawes thereof/ and more ouer vpon the impedymentes or lettes of maryage/ by the meane of kynrede and affinitie / the which haue place at this day. wherby it may easely be perceyued, that suche an impedymēt of mariage is expressely foude in the holy scripture/ wher by persones be made vnlesfull to contracte matrimonie/ that is to say/ the impedimēt by nerenesse of bloudde, as Moses called hit: by the whiche we vnderstande bothe them/that be of kynred, and them that be of affinitie also, and that nat generally in al kynsfolke/ but specially in those degrees and persons, whiche bothe we haue reheresed/ and they be expressely rekned vp in the foresayde. xviij. chaptre of the Leviticall. And by the same foresayde thynges a man may also well se, that no man can pretende

The fyrste

any colour or cloke, or fynde any maner of cauillation, wherby that man, which hath married his brothers wyfe, shulde nat be iuged of all the holle people, nat onely to haue contemned and dispised god, the whiche hath with so great maiestie comaunded the contrary, but also to haue offeded by infectyng and corruptyng the maners of the people, by suche a mischiuous example, to haue done agaynst the lawes of nature, and also to haue broken fouly and vngodly, the ryghtes and holy kepyng of shamesfastnes and mariage, finally to haue hyndred vniuersally the propagacion and increasynge of loue and charitie betwene christen people. For who so euer wyll consider aryghte, and accordyng to reason, the order, the strength, and vertue of these lawes, and also the wyse intent and reason of the makinge of them, he shal sone perceiue, howe true it is, that we haue seyd. And first of al consider howe greatly these lawes of matrimoni do helpe for the maynteyninge & exercise of vertue, of chastite, of clemmes, of holynes, & puritie of mariage, of natural demurenes, shamesfastnes, & reuerence, that ought to be betwene kynsfolke,
speci-

pecially in mariage, of propagation or increase of loue and charite, and finally of diuers other dueties, offices, and dedes of vertue, whiche both of them selfe be honest & good, and besydes forth be necessary also to the purchasing & obtaining of euerlastinge felicitie. Ageyn ponder, how god, most of power, and most best, doth exhorte in a maner by certaine obtestations or affectuous / & barty desiringes & prayeng, nat only the Iues, but also the strangers, that lyue after Moses lawe, to perfourme and fulfyll these foresayde lawes, nat onely for his benefites and goodnes, that they haue had, & shulde haue of him, but also for his owne auctorite and maieste, which is most great, and in no wise to be disobeyed.

Wuer & beside al this consider, with howe great strengthe & weyghte of wordes, and with howe great care and thought god, in decreenge these lawes, doth often reberse, sayeng: It is nat for a man, it is foulenes, it is mischeyuousnes, it is cursidnes, it is abomination, it is nat to be spoken, it is nat lefull, it is agaynst the very lawes of god, breuely bit is fylthye and sklaunderous, that any man shulde do any suche thyng.

The fyrste

Last of all & for a conclusion consider, what and howe greuous punysshementes god dothe threten them with, whan he dothe require of them the keepyng of this lawe: yc and more ouer, how fore he hath taken vengeance, and hath punysshed the he-then, by cause they had contracte cursed mariages within these degres, and that be fore this lawe was made. And he dothe threten also lyke, and not a whitte lesse punysshementes, vnto the Iues and herthins, that professe the Iues lawe, if at any tyme they dyd comitte like enormities. Forsoth if any man will wey well, and examin these foresayde thynges, religiously, and with good conscience, so as they oughte to be, howe shal he nat streight approue and allowe the conclusions and determinations of those Vniuersities, and to thynke certaynely, that it is forbydden bothe by the lawe of god, and the lawe of Nature, that any christen man shulde take to wyfe his brothers wydowe. For seynge that these prohibitions (as we shal here after more largely declare) were hallowed & founded by god hym selfe vpon the feare of god, vpon the treuthe, vpon iustice, vpon holynesse

nesse, and equite, and conscience, on seyth,
apon perfetnesse and ryghtnes, and on cha
rite/ and for to declare and open the know
lege of our synne/ for to declare the know
lege of the grace and fre goodnes of god,
for clenness/ for comelynesse/ finally for good
reasonable and holy obedience/ or seruice
of god/ and suche as shuld be to our lorde
god pleasaunt and acceptable/ what man,
hauninge pure conscience in his soule, doth
not iudge suche forbidden mariages to be
incestuous, foule, vncleane, abhominable,
and a cursed before god and manne? And
what man, ye though he were gouernour
of all the holle worlde, if his conscience
pricked hym for suche incest, wyll not feare
the terrible iudgement of god? Fyrst/ lest
he shulde prouoke and brynge vpon hym
selfe the vengeance of god/ as dyd the son
nes of Laim, the whiche were drawnd in
Noes floudde, by cause they did fouly ab
use their systers and their brothers wy
ues, as approued doctours do saye. Se
conde, lest he shulde be constraigned to flee
his countrey, and his children/ either to be
destroyed or disherited, lyke as the kynges
of Canaan were serued/ and as it came in

The fyrste

tyme paste to the kynge Iechonias. Finally/lest that after this lyfe, he fall also into the tourmentes of cuerlastyng punysshment. For here you se before your eyes the sacre holy lawes of god / here you se the lyuely prophecyes, and wordes of excedyng vertue and strengthe, the whiche be more persyng, as Paule sayth / than any double edged sworde / whiche rommethe throughe, til they haue diuided the life and the soule / and haue deuided the ioyntes & the mary. whiche wordes, seing they be so playne and open, that if any man will adde and put any thing vnto them / it shulde be ieopardie, lest he shulde be reprovied, and founde false, and a lyer / accoordinge to Salomons sayenge : Forsothe it becometh a christen harte more to regarde the wordes and auctoritie of god / whiche so doth forbidde / so bath in abhominacion, so dothe punyssh be and reuenge suche matrymonie, that is contracte with the brothers wyfe / than any maner auctoritie of men, or any felicitie of this worlde, that shulde brynge a man to so great vice and yngodlynelle, to so great bedly remorse, and tearynge a son-dre of a mans mynde and conscience. For

who

who both nat vnderstande, that we ought rather to obeye god than man / and that hit shall be smalle proffyte to a man, if he wyne all the worlde / and lose his soule. For if he lose his soule, he leseth his body also. And truely it is a heuy wynnynge / for the whiche a man leseth hym selfe: that is to saye / his bodye and his soule / into euerylastynge damnacion.

➤ The seconde Chaptre.



Wherefore all thoughe a good and a chaste reder / after that he hath ones sene these sayenges of god / can not resonably desire any thyng more to moue his cōsciēce / that he shud surely beleue, that he can nat breake this Leuiticall forbyddynge, that a man shulde nat marie his brothers wyfe, without greuous sinne / and transgression both of the lawe of god, and of the lawe of nature also: we neuer the lesse wyll brynge forth also wytnesse of the lawe of the gospell, suche as shall be thought to helpe for the clerynge of this matter, and also we shall shewe / what the sacre holy counsayles / and the best

The fyrste

best lerned and moost approued doctours
of the churche haue iuged in this matter.
And first of al the auctoritie of saynt Iohn
and saynt Paule doth maynteine and con-
fyrme the sentence of these vniuersities.

The auctorite of saynt Paule, where as he
gyueth his iudgement, that christen men,
euen at this tyme are bounde to kepe that
other Leuiticall lawe, that a man shulde
nat mary his stepmother, whiche law was
made and publissed in the same place, the
same text, by the same sprite, and the same
selfe tyme, that this other law was, that a
man shulde nat marye his brothers wyfe.
And Paule calleth that vnclenlines or for-
nication, vtterly agaynst Nature, and be-
astly, that a man shulde marie his fathers
wyfe. Ageyn the auctoritie of saint Iohn
is playn, where as he openly rebuketh He
rode the kynge, sayenge: It is not leful for
the to haue thy brothers wyfe. For what
so euer the interpretatiō or vnderstandyng
of those wordes is, whether they be vnder-
stande of his brother beyng a lyue or deed:
yet this thyng is sure, as it is also sene to
great lerned men, that saynt Iohn dydde
take thole wordes out of the Leuiticall

boke

boke. And by cause that those thynges,
whiche he did saye, shulde haue the more
auctorytie, strengthe, and vertue, he pour-
posely did rebuke and reprove the shame-
lesse & incest life of Herode, not bi his owne
wordes, but by the wordes of god. For it
shulde haue bene to no pourpose, to haue
layde any crime to kynge Herodes charge
for this thyng, vpon any other cause / se-
inge that Herode was an alien and an bea-
then: and therfore was not forbydden by
none other lawe, wherby he myghte not
marie his brothers wyfe / ye and thoughe
his brother had lefte .x. childerne by her.
for as the prohibitions of the lawe Canon
they were nat that tyme made / & the lawe
Deuteronomi dyd bynde the Iues onely.
wherfore seinge that this (no doute) most
rightfull sentence of saint Iohn was giuen
agaynst kynge Herode an hetten man, ge-
nerally and without any exception / limita-
tion / or distinction / nor hit is nat restrained
vnto the wyfe of his brother lyuyng / or of
his brother leauyng children, what other
thyng shulde we thinke that saynt Iohn
did meane? then that this Leuiticall lawe /
that a man shulde not marie his brothers
wyfe,

The seconde

wyfe, dothe indifferently belonge vnto all men / as well herbens as Iues / by cause it is merueilous agreable with naturall reason, and that all christe men are necessarily bounde vnto the obseruatyon or keepyng of the same, as well as they be to the keepyng of the comādemēt of god and of nature: For though we graunte that Moses lawe was not taken a wey, specially amonge them vnto whom the gospell was not yet shewed, vntyll suche tyme as the gospell / and this happy tidinges of Christ was publisbed and openly declared vnto them / yet all that euer is contained in Moses lawe, as many as belonge either to iudgement / or to ceremonies, they were deed by and by and of no strength vnto them, which all redy did knowe, and did preache and teache, that Christe / grace / or fauour of god / and the gospel was come. And truly it is not reasonable to beleue / that John wolde haue vsed suche witnesse, or that he wold haue shedde his bloudde, and haue died in the quarell, to maintaine the truth of those lawes / whose credence & auctorite he knewe well before, that they were all redy vāesbed a wey, & of nomore effecte,

or at leste, that they shulde ceasse and be
take away sone after. Furthermore Paule
dothe greuously rebuke the bedes and ru-
lers, and the comunalte of the Corinthes/
by cause they suffered one of the citee of
Corinthe to be conuersante amonge them
vnpunysbed, whiche beyng blynded, I
wot not by what errour, paraenture by
pretence of lybertie of the gospell, hadde
take his stepmother to wyfe. ye and more
ouer he dothe condempne the same selfe
felowe vnto the most greuous punis hemēt
of excomunication, not so moche by cause
he had done agaynst the lawe / as bycause
he hadde done ageinst nature, saynge that
is suche fornication, as is not euin amonge
the bethens, whiche be led or ruled by the
lawe of nature:menynge (no doubte) that
nature dothe abhorre that one & the same
selfe fless be that is to sey the fader and the
son/shuld haue to do with one womā/& by
this it can not but be euidēt & clere to eue-
ry man / that seing Paule doth iudge that
this lawe of Moyses that no mā shuld ma-
ri his stepmoder, ought to be kept euē now
amōge christē men. And seing that he doth
openly sey that such fornication is vtterly
vnnaturall

The fyrste

vnnatural and beastly / where a man hath
a do with his fathers wyfe, that is to say /
with her that is nyghe vnto hym / be se-
meth playnely to meane thus / that surely
moche lesse it is lesfull for christen folkes to
marye women / that be more nere of theyr
bloudde / and that al those thinges / which
be rekened vp in the same Leuiticall lawe /
be (doubtles) in lyke maner forbydden / for
as moche as al those prohibitions be groun-
ded vpon one reason / that is to saye / be-
cause the man & the woman be one fless be /
and therfore be agaynste the honestie and
shamefacednes or demurenes naturall.

And this same thyng is proued also ma-
nifestly by this / that the apostel in the same
place also, doth vse this worde of fornication,
by the whiche worde not only he / but
also all the other apostelles / all mooste euer
more in their writynges / are wonte to com-
prehende all those vylefull maryages / and
foule couplynges / that be forbydden in the
booke Leuitical. For vnder the same maner
also Paule priuely and couertly dothe (no
doubte) condempne all those / which breke
these prohibitions of matrymonye / and
foule / vncleane / vylefule / and to god abho-
minable

mynable commixtiōs/ where he exhorteth
the Ephesyens/ that no fornication / or vn-
clennesse, or fylthynes shulde be ones na-
med or spoken of amonge them/ and wher
as/ he writinge vnto the Galates/teacheth
them/that fornication/vnclennesse/ and le-
chery/be carnall workes. For saynt Die-
rome, declaring the same selfe place/saith :
The first worke of the flesshe is fornicatiō/
the whiche amonge the other. vii. vices is
the mooste greatest synne/bicause that by
the vnclanes of the flesshe the temple or
church of god/that is to say/the soule and
the body of man, is polluted and defiled.

The seconde worke of the flesshe is called
vnclenes/whom foloweth her companion
lechery. For as in the olde lawe, where it
is written of crimes and sinnes/that be nat
to be spoken/whiche are done secretly/and
it is a very foule thing euen to name them/
lest the mouthe of the speaker/and the ea-
res of the herers shuld be defiled/all suche
vyces the scripture hath comprehended
them generally / sayenge : Make you the
children of Jsrahell to be shamefacid and
asferde of al vnclenes. Euen after the same
maner the apostel, in this place also / doth

D

name

The seconde

name and call all other extraordinary and vnlesfull pleasures/ and also the actes that be done in mariage selfe vncleennesse and lecherie/ if they be nat done with shamefastnes and honestie/ and as vnder the eies and in the syght of god/ and onely bicause they wil take payne, and do their duetie to bringe forth the childerne. For saynt Augustine writeth, that lyke wise as vnder the name of theste in the .x. commaundementes is vnderstande all maner of vnlesfull vsurpyng or medlinge with an other mans good: and vnder the name of adulterie must be vnderstande forbidden al maner of vnlesful medlinge to gether, and all maner of vnlesful vse of those membres: So plainly all maner of vnlesfull couplynge or maryeng to gether of man and woman is called in scripture foulenes / and all adulterie and foulennesse or foule, and vncleane marienge also, in scripture is called fornicacion. For al though, as Isodoresaith, al men that do leudely abuse theyr bodyes/ haue nat one wyll of theyr foule dealyng: yet howe some euer a man dothe pollute hym selfe by pleasure of the bodye, all is called fornicacion. For of delyte and pleasure of doynge

Doing fornicatiō, there come many & diuers
foule lustes and vices: ageyne whiche the
kingdome of heuen is shutte/and man de-
uided & departed frō god. Furthermore
the apostels in the coucell/ that they called
& kept through the holy gost in Hierusalē,
went about to p̄scribe & shew what poynt
of Moyses law they/that had p̄fessed Chri-
stes religion/ & were become Christes men,
shuld be bound to kepe or to forbere; & they
made a deere worde for word as here folow-
eth. It is thought cōuenient vnto the ho-
ly goste; & to vs, that there shuld be no fur-
ther burdon laide vpon you, than these ne-
cessary thynges/that is to saye/that ye ab-
stein from contaminations of idols, & from
fornicaciō, from eatinge of beastes/that be
strangled to dethe/ & from eatinge of bloud
of beastes. In the whiche place doubtles
they couertly / vnder the generall name of
fornicacion, dyd forbyd all maner of cou-
plinge and mariage vnlesfull and prohibite
by the lawe/ and dyd prohibyte the selfe
same thyng, whiche was vnderstande vn-
der the name of fornicacion/after the mea-
nyng and entent of the olde law. For seing
that they do forbid fornicaciō, euen so as it

D.ij. is for-

The seconde

is forbid by the rules and cōmandementes of the law/it can nat be/but we must nedes thinke/that here in this decre of the apostels/mariages vnlesfull/contrary to the disposition of the lawe/be also forbydden. For of those mariages there was no nede for the apostels to haue made further constitutions/or newe prouisions for them. for that thinge that is nat changed, wherfore is it forbydden to stande? And seinge that these Leuitical lawes of god were nat changed: it soloweth, that they dyd stande styl in their olde strengthe and auctortie: and by this reason the apostels had no nede to make a newe lawe/ but forbyddynge fornication generallly/dyd forbyd all those vnlesfull mariages/that god had forbydden before in the .18. chaptre of the Leuitical.

And therfore lette no man flatter and glose byin selfe/as though these cōmandementes were light/or these reasons of litle weight or regarde /whan that you se euidently/that they be great fōudacions and groundes of our seythe/layde by the holy counsaile of the apostels/and as ye wolde saye the stronge pyllers and vpholders of the church/to dryue out fornicacion and idola.

idolatrie: vnto the whiche thyng these
fornicacions came verye nere. For euerye
christian man doth perteyne vnto the chur
che or companie / for the whiche Christe
willingly gaue hym selfe to sanctifie it, and
make it sacre and holy / and to purge and
clense hit with the wasshynge of water
through the worde of lyfe. And ageyne al
we be membres & partes of Christes owne
bodye, and we be of his bones. Therfore
we had nede to take sure kepe that no man
with foule and yngodly mariages do de
fyle and pollute the temple or churche of
our lordes body / wherin dwelleth the spi
rite of our lorde. For who so defileth the
temple or churche of god / our lorde shal
distroye hym. Wherfore me semeth that it
is declared manifestly inough by these for
sayde reasons / that these probybicions of
marriage haue auctoritie and strength euen
at this day / nat onely by Moyses lawe / but
also by the gospel / and by the ordynance
of thapostels / and they be both of goddis
lawe / & of the lawe of nature most hollely
made / and euermore to be obserued and
kepte / and at no tyme to be broken.

C Nowe to come to the doctours of the
D.iii. chur

The seconde

churche. Tertulian the most oldest writer of all that were sine the tyme of the apostels, is author and dothe wyte that this Leuitical forbyddynge that a man shulde not mary his brothers wyfe was brought in taught and ordeyned specially and by name euen of Christe him selfe and his apostels bycause that all the holle churche and company of Christes faith shulde obserue and kepe it with all deuocion and reuerence. For the same Tertulian disputeth agaynst Marcion vpon this poynt that Christ in the gospel dyd excuse rather then destroye Moyses constitution of the lawe of diuorise or departynge of man and wyfe. This matter saythe he of diuorise is nat here brought in sodeinly of Christe but it taketh his rote and grounde of that thinge that Iohn maketh mencion of. For Iohn did sore rebuke Herode the kyng by cause he had contrarye to the Leuiticall lawe maryed the wyfe of his brother whiche was deed, and leste a doughter that he had of her. And therefore Iohn was caste into prison by kynge Herode, and afterwarde by hym slayne. Therefore saythe Tertulian that after there was mencion made

made of Jobn/ and what ende folowed of
hym/our lorde for an example of vnlesfull
maryages and adulterie dyd vebemently
crie out vpon kinge Herode/sayeng openly
and playnely, that euery man also was an
adulter, who so euer dyd marye her/ that
was departed frō her husbanded/ that ther
by he might make the yngodlines and abo
minacion of Herode the more greuous
and heinous/whiche had married her/that
was departed from her husbanded/as well
by his deth as if she had ben diuorced frō
him/specially seing that his brother had a
daughter by her/so that she was maryed
vnto hym vnlaufully / and hit were but for
this thinge/bicause he dyd it by instinctiō
and mocion of foule luste of the body / and
nat by instinctiō and mocion of the lawe/
and therfore slewe the prophet, which was
the meyntheyner of the Leuiticall lawe.

And the same Tertulian also writeth in an
other place: Bycause, saythe he, that cer
tayne persones some tyme do saye, that
they haue no thing to do with Moses law/
whiche Chryste doutles did nat take away/
but fultylled and made hit perfecte, do
some tyme take those thinges of the lawe/

D.iiij. that

The seconde

that lyketh them, and make for their purpose: playnly we also say this/that the law is departed and gone, as touchynge this poynte/that accordinge to the mynde and sayenge of the apostels/the burdens of the lawe/whiche our fathers were nat able to beare/be vtterly ceased and taken awaye. But as for those thynges that pertain to Justyce and vertue/ do remayne holle/ nat onely reserued/ but also amplified and increased/ so that our instyce and goodnes/whiche be christian people/ shulde be moche greater and perfecter than the iustice of the scribes and phariseis / and be suche iustyce/as a very iuste man ought to haue. And our chastite likewise shulde excel and passe theyrs/ and in no poynt be lasse than theyrs. Nowe bicause it is comanded in Moses lawe/ that a man shuld take to marriage his brothers wyfe/ that is departed without children/bicause he shulde stir vp sede/or gette issue to his brother : And because this thyng may happen often tymes to one persone/as that one woman may be married to.vi.or.vij.bretherne/one after another/for lacke of issue by the former brother/accordinge to the subtile question of the

the Sadduces in the gospel : therfore
some do thynke/ that the ostennes of ma-
riage is permysed also in other cases. But
these men shulde haue vnderstanden first
of all the reason and consideration of this
precept/ & so they shulde haue well know-
en / that this reason is nowe ceased and
one of the thinges/whiche be nowe voide
and of no strengthe nor auctoritie. For a
man was bounde of necessite to marie the
wife of his brother/whiche was departed
without chyldren : Fy:ste bycause that as
yet that olde blessing of god : Increse you
and multiply, ought to run forth and con-
tinue. Seconde by cause the children were
punissed for the fathers fautes. Thirdly
bycause that the drye and baren persones
were had for defamed persons: therfore an
ordynaunce was made / that they shulde
haue issue by other of theyr kynne / as ye
wold say by a proctour/and bigotten after
the dethe of the father/bycause that they/
whiche were departed without issue / nat
by the faute of nature & by preuencion of
deth shulde not therfore be iudged accur-
sed and vnbappy. But nowe the blessinge
of encresynge and multiplyeng bodily and

D.v.

carnally

The seconde

carnally is ceased/bicause the worlde is at an ende. For the apostle induceth & counsayleth vs/sayenge. There is no more, but that they also, whiche haue wyues, shuld be, as if they had none, bicause the tyme is shorte. And agayn, The soure grape that our fathers dyd eate/that is the same that they dyd/doth no more stonysshe, or set on edge, the tethe of the childerne. For euery man shal dye for his owne synne. And more ouer the baren nowē be nat all onely without infamy and rebuke, but also haue deserued thanke & fauour of god/being inuited and admitted into the kingedome of heuen. And therfore nowē this lawe, that a man shuld succede into his brothers marriage, or that he shuld marie his brothers wyfe, is nowē ytterly deed and buryed: & the contrary of this lawe hath place, that a man shuld nat succede into his brothers marriage, nor marie his brothers wife: And by this (as we said before) that lawe whiche is ceased/and is no more of strength/by cause the reason of it is taken away or ceased/can nat be a cōuenient proffice for an other thinge. ¶ Therfore seinge that these thinge] before said were writen of Tertuliā/
at

at that tyme, whan the church had made
very fewe lawes, or truly none at all, beside
tho thig], which christ him selfe & his apo
stels had taught/it is plainly to be beleued
that this law, that a man shuld nat marie
his broders wife/came by the ordinance of
Christ & his apostels/& that it was renued/
cōfirmed/& declared/as ye wolde say, by a
new conuenāt & agrement & by a latre testa
ment, as a law very worthy to be obserued
of al christian men for euer more, and that
ought to be kept with al reuerēce & religiō.

¶ And that holy mā saint Gregory, whiche
for his great lernynge and vertue was
named Great/dotbe greatly confirme the
same thinge/whiche whan saint Augustine
the byss hop of the Englysshe men, had in
tyme past writen to him for counsell/ whe
ther two brothers germanyn myght marie
ij. sisters/which were descended of a stocke
farre from them, he answereth, that this
thinge in all cases was lesfull to be done, by
cause there is no thinge soude in holy scrip
ture/that is thought to speke ageynst this
poynte. And agayne / whan he was as
ked of the same byss hoppe/vnto what de
gree Christis faithfuls might marye with
their

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their kynsewomen/and whether it was le
full for them to marie with their stepmo
thers/ & with their brothers wiues/whom
at that tyme they called cosyns/ he answe
red in order to both two questions in this
maner. There is a certayne erthly and
worldly law within the dominiõ of Rome/
that the sonne and daughter of brother
and syfter / or of two brothers germainys/
or of two sisters/ may be married to gether.
but we haue lerned by experieçe/ that they
coulede neuer issue come of suche mariages/
and the holy lawe of god forbyddeth vs
to discover the foulness of our cousyns.
wherfore it muste nedes be amongest faith
full or Christian people, that if they, that
be of kynne, will lawfully mary / that they
be in the thirde or fourth degre of kynred.
For they, that be in the secõde degre/ whi
che we spake of before, maye in no case be
married to gether. And as for a man to be
married with his stepmoder/ it is a greuous
synne. why so? bicause it is written in the
lawes of god; thou shalte nat discover the
foulness of thy father. For although the
sonne can nat discover the foulness of the
father: yet bicause it is written / The man
and

and wife shalbe two in one flesshe or body:
doutles who so shall presume to discouer
the foulnesse of his stepmother / whiche
hath ben one flesshe and body with his fa-
ther / he in dede doth discouer the foulnes
of his father. Ageyn, it is forbidden by the
Leuiticall lawe, that a man shulde myn-
gle or marye with his cosyn, that is to sey
his brothers wyfe, bycause that she / being
ones ioyned with the former brother, is
made his flesshe: and for the same thyng
saint Iohn Baptist losse his beed, and by
an holy martyrdome was brought to his
ende. Vnto whom it was not seyde / that
he shulde deny Christe / yet he was slayne
for confessynge Christe. But bycause our
lorde Jesus Christe had sayde: I am the
treuth / saynt Iohn truly shed his bloud
for Christe / by cause he was slayne for the
treuth. But bycause there be some amōge
the Englysshe people / whiche whyle they
were yet infidels or vnfaythfuls / as bit is
sayde / haue myngled them selfe by suche
abomination, and not to be spoken mari-
ages / they muste be warned / whan they
come to the faith / that they absteine and
forbere their carnal pleasure betwene man
and

The seconde

and wife, and that they beleue and graūt
that it is a greuous sinne to vse it. let them
feare the terrible iudgement of god / lest
for a lyttell carnall pleasure they falle into
the tormentes of euerlastinge paynes.

Nowe reder marke diligently with me
these wordes of saint Gregory, & consider
me here in his writinge. iiii. or. iiii. thinges.
Fyrst that the most holy & most excellēt ler
ned doctor, both in the law of god, & of mā
vttterly & plainly affirmeth, these Leuitical
lawes, that a mā shulde not mary his bro
thers wyfe, with the other / to be of suche
auctorite, that he saythe openly, that they
be the very lawe of god. Secōde, that the
same lawes be nowe at this tyme of suche
auctoritie & strengthe / that it is not lesful in
any case to contracte matrimony contrary
to that is forbidden in the same. Thirddly,
that the occasion of saynt John's marty
dome was this / bicause he wold meinteyn
& vphold the truth & auctorite of the same
lawes ageinst herode the king / whiche had
married his brothers wyfe. Fourthe, that
the mariages / which certain englysshe men
had cōtract with their broders wiues / and
that euen before they had taken the sayth
vpon

vpon them/to be so vnlesful/ & not to be spe-
 ke, that they could not without dedly sinne
 rendre their duetie of mariage one to an o-
 ther/ nor yet abide stil in the same mariag:
 the whiche thing truely we thynke ought
 not lightli to be passid ouer. For ones saint
 Paule biddeth and cōmandeth, that they,
 whiche be lausfully married/ shulde nother
 be diuorced/ nor yet the ton to deny the to-
 ther the right & dutie of mariage. Agein,
 saint Gregory had graūted licēce vnto the
 said englisshemen/ that they might cōtract
 matrimoni in the.iiij.degree/ & that mariage
 cōtract in the.iiij.degree shuld nat be brokē.
 wherfore these thingis cōsidered/ it must ne-
 des be/ that there was doutles some great
 cause/ why saint Gregory wold nat admit
 or suffre such mariages/ as the englisshmē
 had cōtract with their brothers wiues/ at
 the lest wise to haue suffred them by a dis-
 pensation or lycence, if it had ben lesfull to
 haue dispēsed with thē. And truli ther lac-
 ked not causes, which ought to haue mo-
 ued him for to haue dispēsed with thē: As
 bicause of the faitb of christedom/ the whi-
 che some freill persons had leuer pauētūre
 vterly to forsake and renouce, thā to haue
 departed

The seconde

departed from their tenderly beloued wyues/as the tymes were than in the begynnyng of the faith. An other cause shulde haue ben this/that they had boude them selfe by maryage before the wass bynge of baptisme / at the whiche tyme there were no lawes wrytten, by the whiche the heathens were forbidden from suche mariage of their brothers wyues. But this moste holy and moste wyse man thought/that in all and before all a man shuld regarde the commaundement of god. And he wolde nat be author nor causer to no man for to breake that lawe. He sawe, and playnely dyd iudge/that he, whiche had maryed his brothers wyfe, hath done contrary to the principal cause of mariage/and against the naturall inclination of man/whiche he hath to haue issue and posterite / bycause that god saith : He that marieth his brothers wyfe/shall dye without children. he sawe that this is plainly an yngodly dede/abominable before god and man/and also ageynst the nature of man/ and as nygh as can be vnto the nature and lyfe of beastes. He sawe/howe greuous punisshment is abiding them/which haue defiled them selfe

selfe with this foule synne. Therfore he
 iuged that nother peace nor yet saith and
 christendome, nor any other thinge in this
 worlde, beside forth is of suebe vertue and
 goodnes, that it is able to recompence and
 weye out the malyciousnes of this dede.
 He wolde nat that that suebe mariages
 shulde stande styll and remayne / or be cal-
 led / or so moche as be thought to be mari-
 ages : but he wolde rather haue them bro-
 ken and yndone / and dyd commaunde that
 as many as had intangled them selfe with
 suebe mariage / shuld be admonished and
 warned / that if they wolde professe Chri-
 stes religion / they shulde from thens for-
 warde absteine and forbere from medling
 the one with the other : If nat / they shuld
 haue for theyr carnall pleasure / the tour-
 mentes of euerlastyng punisshment.

Furthermore reder there be other bys-
 shops also / whiche in tyme passed were in
 very dede greatest and byggest / nat onely
 for their lerninge and wysedome / but also
 for the holynesse of theyr lyfe / that maye
 clerely teache the / that these Leuitical for-
 byddynges of mariage haue in them the
 auctoritie and maiestie both of the lawe of

E god

The seconde

god and of the lawe of nature/and that by
very good ryght and reason. Amonge the
whiche Popes be princypally / Calixtus/
Zachary/and Innocent/the residue we will
not speake of. For Calixtus/when he was
asked why the maryages of kynsfolke
were iudged to be vnlesfull/ he answereth:
Bycause/saith he/that both goddes lawe/
and mans lawe/ hath forbydden them.

And truely goddes lawe dothe nat onely
cast out the childerne/whiche were gotten
in suche maryages/ but also dothe calle
them accursed: and the lawes of manne
do calle them infamed persones/ and do
putte them backe from their fathers hery-
tage. Further Pope Zachary aunswereth
in this maner vnto Theodore the bysshop
of Tycin or Pauy, askynge counsaile of
hym/ whether that the god doughter
might be maryed with the naturall sonne:
Thy holy brotherheed, saythe Zacharie,
knoweth right well, that our lorde did co-
mande Moses, sayenge: Thou shalte not
discouer the foulness of thy father, or mo-
ther, or sylder: for it is thyn owne foulness.
Seinge therfore that we are comanded to
absteyne from our owne kynrede carnall/
moche

mache more it is cōuenient, that we shulde
 with all straytenes beware of her / that is
 our faders doughter spiriual. which place
 the gloser expounding doth argue / that the
 Pope / although he wold / can not dispēse i
 the.ij. degree of cōsanguinite / nor yet i the.ij.
 degree of the fyrst maner of affinitie. for the
 ij. degree of cōsanguinite and of this affinite
 hath his beginning of the lawe of nature.
 And agayne bicause the same degree is for-
 bidden expresly in the old testamēt of god.
C Furthermore holy Pope Innocent the
 third also / when the king of Hungary had
 cōplained vnto him of the biss hop of Qui-
 clesense / that he shulde haue misused him-
 selfe with his owne nece / he wolde gyue no
 eare to suche cōplaint. For who, sayth he,
 can lightly beleue, that the byss hoppe of
 Quinclesiese wold be turned to so shame-
 ful passion / that he wold cōmit abhominable
 incest with his owne propre nece, seinge
 that euen after the myndes & sayenges of
 the herbens, the lawe of nature dothe not
 suffre, that we shulde suspect any greuous
 crime betwene suche persons. **C** And the
 same Pope also, folowyng the holy con-
 stitutions of the emperours in this poynt,
 E.ij. for

The seconde

For the same consideration / dyd make a lawe / that prestes myghte kepe theyr moners / their doughters / and their sisters ger mayns within their houses.

C Furthermore the same Pope / when the archdeacon of Byturs sent ynto him to knowe / whether that wyfe / whiche was departed from her husband without iugement of the church / bicause her husbände and she were in so nygh degree of kynred / that the sete apostolike coulde nat / nor yet was nat wont to dispense with it / ought to be restored agayn to her husbände / answereth on this maner : This woman / saythe he / which doth knowe the kynred betwene her husbände and her / specially in those degrees / whiche be forbydden by the lawe of god / can not haue to do carnally with this her husbände without deadly synne. For all that is not done with saythe and good conscience / is synne : and what so euer is done agaynste our conscience / dothe bylde to hell warde. And therfore it were but soly to yeuie iugement in this case / that this woman shulde be restored agayne to her husbände / by cause she oughte not in this poynt to obeye the iudge contrarie to
god

god; but rather shulde mekely suffre to be excommunicate. For if she shulde be restored agayne vnto this man / there shulde ryse a marueylous perplexe and intricate difficultie . for she shulde be bounde to do her duetie to her hus bande / bycause of the iudges sentence, and agayne she ought not to do it bycause of her owne conscience / seeing she knoweth / that she is of his kinred. And so it shulde come to passe / that they shulde be greuously combred / and a snare shulde be set for them both / to bring them to belle / seynge that they can nat carnally come to gethers / nor yet be maried the ton with the other. Therfore / seythe he, as often as kinred is obiecte within the degrees forbidden by the law of god / it is thought best / that iudgement be gyuen / that restitution be made as concernyng al other thinges / but as concernynge bedde and carnall medlynge / restitution must vtterly be differred / seinge it is better for bothe parties to be discharged in their consciēce vnder this maner / than by the other wey to remayne in charge and cumbraunce of conscience. And Innocent doth cōfirme in the foresaid place this iudgement of his / by dyuers

The seconde

reasons, fyrst by the answeres of two Popes/ Lucius and Clement , of the whiche the one ytterly denieth/ that there shulde be made any restitution in the foresayde ease, and that they oughte in any wise to knowe of the exception / that is/ whether they be in suche degre of kynrede or no, before they come to the article of restitution, wherby she shuld be restored home again to her husbnde.

And the other Pope, all thoghe he graunt, that she shulde be restored / yet whan that is opteyned, he thynkerb hit is not lesfull for the manne / whiche dorbe knowe of his kynrede betwene hym and the woman, nother to paye the dуетie of mariage ageynste his owne conscience, nor yet that he can require the same of the woman, Bicause, saythe he, if he shulde do it/ he buyldeth to hell ward: no more then he can, that is married to his kynsewoman & hath knowlege of his kinrede/ although there be no questyon nor doubt moued vpon his maryage, but onely his owne knowlege and conscience.

Further.

Furthermore Innocent confirmed his sayenge by a commune opinion and determynacyon of the Canon lawes / by the whiche doubtlesse hit is determyned / that in degrees of kynrede / forbydden by the lawe of god / there shulde be no waye to restytution / by cause that in those degrees there canne be no dyspensacyon : But in those degrees / the whiche be forbydden by the lawe of manne / there maye be fulle and effectuall restitucyon / bycause in these degrees there maye be dyspensation. Nor be dothe not synne / whiche in this artycle dothe paye the dette of maryage at the commaundement of the Church.

And trewely manye other thynges there be wrytten of the same holye man, for this pourpose, in other places : but our boke wolde growe to an excedynge greatte volume, if we shulde wryte them all. And these thynges, that we haue shewedde, gentyll indyfferente reder, do clerelye open vnto the / what these good Popes haue determynedde vpon these Leuitycall probybytions of matrymonie.

E.iiij.

whiche

The seconde

whiche is this/that they do bynde of necessite/bycause they be both of the lawe of god/and of Nature/so that they iudge/that they ought of necessite to be obserued both amonge christian folkes/and amonge infidels and the vnseytbfuls.

CNow besyde al this/ we shal proue the same by the auctoritie of holy counsailes. For doubtles in the counsaile of Tollet it is decreed in this wyse: we decree/ that no faithfull man shall desire to haue any nere kynswoman of his to be married vnto him/ bycause it is wrytten in goddes lawe: No man shal come nye her/that is next of his bloud to discouer her foulness. And hit is wrytten agayne: Euery soule/that shall do any of those thinges, shall perysshe from the middes of his people.

And in the counsaile of Agathe it is ordeyned in this maner: we reserue vtterly no maner of forgyuenes nor pardon/ nor dispensation/ for inceste maryages/ but we wyl in any case/that they be punisshed, excepte onely they beale theyr aduertye by departynge the one frome the other. For as for inceste persones/we iudge them not worthy to haue any name of maryage,
seyng

seyng it is a deadly thyng euen to make any token or mencion of suche persones. And we iudge them to be incest persones/ whiche by carnall medlyng haue defiled his brothers wydowe/ whiche was in maner his sister before/ or he that hath taken to wyfe his syster germaine / and he that hath maryed his stepmother. &c. All these persones we doubt not but they haue ben before time, and by this our constitutio be, incest persones : and we commaunde, that they abyde and praye amonge them that be yet vnbaptized, and but onely lerners of the christian saythe / and not to come amonge christian folke / tyl they haue sufficiently repented them selfe, and amended that they haue misdane.

¶ Furthermore in the counsaile of Neocesar / and in the Synode of Gregory the yonger / it was decreed, accordyng to the wordis of god, that a woman / whiche had ben married to. ii. bretherne, shulde be put backe from communion, and from receyuing the sacrament vntyl she dye. And a man that had maryed his brothers wyfe shulde be an anatheme, in the whiche synode al to gethers answered an anatheme

E. v.

be

The seconde

be he that is as moche to seye / as damnacion to euerlastyng dethe.

Last of all; and for a conclusion / that sentence of wiclyffe; wherin he dyd holde that the prohibicions of matrymony, written in the Leviticall / be onely iudiciall preceptes of Moses; & therfore the causes of diuors brought in by the meane of kynred & affinite / to be brought in without grounde and foudaciō; and onely by the ordinaunce of man / was dampned as contrarye to all vertue and goodnes, as hereticall, and expressly agaynste holy scripture, in the great conuocation, that was had fyrste at London / and after at Oxenforde / & last of all in the counsaile of Constance.

There be decrees of other counsailes and aunswers in writyng of other of the Popes, whiche do subscribe and agree to these foresayde determinations / of the whiche thou shalte synde verye many in the Popes lawe / bothe in the boke of decrees / and of the epistols decretalles also; but we truste / gentill and indifferent reder, that these forsayde thynges shall fully content the. For thou seest here fyrste of all, in maner an hole commune assent and agreement

mente of the bolle churche / and furthermore thou seest the Popes them selfe do gyue so great maiestie and godly auctoritie vnto these Leuiticall probybicyons, that they do playnely affirme and holde stedfastly, that who so euer do marie contrarie to the cōmandement of these lawes, be not in very dede man and wife, nor they can not haue to do carnally to gethers, without deedly synne, and that they may departe in soundre without any ingement or decree of the Churche / and that they nother can nor oughte to be compelled by any iudgement of man, eyther to require or to perfourme the vse and custome of maryage one to an other. Thus say the Popes, and hit is to be thoughte and beleued, that bothe they dyd knowe the compassse of theyr iurisdiction / and what they were able to do, and that they had wolde rather to haue encreassed and amplified theyr power and auctoryte, than to haue restrayned hit and made hit lesse. And reader thou seest / that they leye none other cause herof / but onely this, that is bicause none auctozite of man can extend or stretch

so

The seconde

so farre/that it may releasse by any dispensation the forbyddynge of god.

Wore ouer thou seest / and excepte we be deceiued/thou dost grant and confesse also/ that these decrees and lawes of these Popes and counsels, vpon the mariage of the brother with the brothers wyfe/is plainly none other thyng then a publis byng and sendyng out of the lawe of god, and of the techyng of the apostels, & no newe lawe of their owne inuention or making. For they do neuer so forbydde suche maryage / as though hit had ben lesfull before tyme/ but onely rebersyng vnto vs the olde lawe of god, and the receiued or approued custome and vsage of the churche. And that there hath ben suche a custome and vsage euen from the first begynnyng of the churche/ and that it hath ben obserued before there was any Popes law/ it is euidently knowen by the wordes of Tertulyan/ whiche we haue before rebersed.

Finally to make an ende thou shalte vnderstande/gentill reder/ that the requestes and sutes of diuers persons/ whiche haue desyred dispensacyons in these degrees/ haue many tymes heretofore bene denyed
and

and repelled by the Popes of Rome, whiche answered them thus : It is nat in any case lesfull for vs to dispense with the lawes of god. And this we shall shewe you here after. Nowe seinge then that very natural inclination doth moue vs ynto the obseruation and keepinge of these forbiddinges, seinge reason doth leade vs, honestie stirreth vs, feare of god, and loue of god and of our neighbour, goodnesse and vertue doth desire vs, the comodites and benefites which come by the encrease of loue and charitie, do counsaile vs to the same : And seing that god, moste best and almighty, made these lawes hym selfe, and that the consent and agrement of all people hath approued the same, finally seinge that the same selfe synner of god / whiche is the holye spirite of god, whiche comanded these prohibicions to be writen in the Leuiticall booke, doth ratifie and confirme the same prohibitions, bothe in the godspel of Christe, and in the wrytynge of his apostels, and also in the sacre holy counsailes of the church / ruled and gouerned doubtles by the holy goste : And seinge they be comaunded of necessite to be kepte of all christian people / it can not be

The thirde

be, but that the sentence and determination of these vniuersities is of as vndouted credence and auctorite, as can be, where they saye, that to mary her that is leste of his brother / dyenge without chylterne / is so forbydden / both by the lawe of god and of nature / that the Pope is not of power to dispense with any suche maryages, whether they be all redy contracte or elles to be contracte.

The thyrdde chaptre.



And thus we thynke, that we haue well and sufficiently confirmed and stablisbed our intent and purpose by the Popes lawe, and by the auctoritie of counsailes. Nowe next we will go aboute to fortifye and make good the same by the moste excellent and most faithfull interpreters, and most true doctours / that expound holy scripture. Amonge whom Origen cometh first to our remembraunce / for he expounding the .xx. chaptre of the Levitical doth declare at large this sentence of god,
kepe

Kepe you all my commaundementes and my iustifienges, and my iugementes: it seemeth saith he requisite and necessary that we shewe what is signified by every one of these wordes, and truly (as farre as ever I coulde perceiue) a precepte or commaundement is. As for an example that, whiche is sayd in the. x. commaundementes: Thou shalt not slee, thou shalt not do none adultery. for this is only precept or comāded, but there is no punisshment put to, for the breking of it. but nowe these same selfe preceptes or teachynges be reherfed agayn, but here penalties be putte to them. For in this place it is sayde: what so ever man comitteth adultery with a mans wyfe, and with his neyghbours wife, lette them dye, both the man that doth adultery, and the woman, that he doth it with, and he that shal slepe with his fathers wyfe, and shall discouer the foulness of his father, bothe two lette them dye / for they be gyltie and deathe worthy. There were preceptes or reules gyuen alredye of these thynge before, but there was not putte to what punisshment he shulde haue, that dydde breake them: Nowe therfore these same

The thirde

same thinges be reherſed agayne / and the penalties of euery trespas is ſet. And therefore theſe lawes may well be called iuſtiſinges and iudgements / by the whiche he that doth ſynne, or breketh the comāndement, is iudged to receyue that is juſte for his trespas. But beholde the order of the godly wiſedome. god doth not ſet puniſſement by and by at the fyrſte / as ſone as he had yeven the preceptes or rules / bowe men ſhulde lyue. for he wyl haue the kepe the preceptes of thy father / and to do as thy father wyllt and byddeth the / not for ſcare of puniſſement / but for loue that thou haſte to vertue and goodnes, and to thy father. But if thou diſpyſeſt to do as thy father teacheth the, than there is a comāndement, that thou ſhalt be puniſſhed / not bycauſe thou arte a man, ſo moche, as bycauſe thou art a contemner and diſpiſer of thy fathers teachynge. Therefore fyrſte of al thou art prouoked and moued by gentylnes and ſayre meanes, as a chylde. and Dauid teſtifieth, that we be children / where he ſayth : you al be goddes, and the children of hym that is hygheſt. that if thou wilt not be obedient like a good childe, but wylte

wylte be a transgressour and a dispiser of
thy fathers teachynge / thou shalte be pun-
nysshed lyke a bonde man. After this he
saithe furthermore. And if any man shall
slepe with his doughter in law, his sonnes
wyse / let hym dye, both. ij. haue comytted
impiete or abhominacion, and they be gyl-
tie and deth woithie. These lawes and pre-
ceptes god had gyuen before without any
punysshmentes or penalties. For he had
sayde: Thou shalt not discouer the soule-
nes of thy sonnes wyse / and all the other
preceptes that there do folowe. And this
place lyke wyse there be putteth withoute
punysshmentes / but here he hath put hit
with dyuers kyndes of punysshmentes.
And in the ende, where he speaketh of the
same Leuitical prohibitions, at the last he
maketh this cōclusion. Therfore it is good
saythe he, to take good kepe / leste at any
tyme we reuerence our carnal fader, or our
father of heuen with lesse honour than we
ought, and they deserue. And like wise hit
is good to obserue / & honour our mother,
and also to obserue and kepe all other such
cōmandemētes, what so euer they be, that
commende to vs shamesfacidnes, clennes,

¶

and

The thirde

and chastite, to thentent that we shuld followe, and lyue accordyng to the same, that we shulde nother accordynge to the carnal lawe of Moses, be in daunger of deth here in this present lyfe, nother after falle in to the punysshement to come, of euerlastinge fyre of helle, after the spirituall lawe of the gospel. ¶ And lyke wise Chrysostome dothe agree with this sayenge of Origen, where as he doth stiffly and playnly hold, that fable & tale, that the Sadduces made vpon the womā, that they said was married to .vij. brothers, to be but a fantasy, and a thing fained and imagined: For the Iues, saith he, be such men, that we se them euen nowe at this tyme to be mightily assurd to marie with their brothers wyues, bicause, as you wold say, they thynke surely there shulde some mischiese come of it. And notwithstanding that the law shuld constrain and binde the Iues to mary their brothers wiues, yet for all that we se them often tymes lyttell regarde it, and make lyghte of hit, and not to do hit. wherfore Ruthe, a womā also of Moab, was driuen to mary with one of her kynne, whiche was verye sarre of, And Thamar was constrained

to disguise her selfe in a common womans
apparell, and to steale seade of her father
in law. ¶ Also Basilus the great is of the
same sentence and mynde that these other
two foresayde doctours be: whiche wrote
vnto Diodore the bysshoppe of Tarsus on
this wyse: There be come to my handes
certayne wrytynges / whiche be sente out
vnder the name of Diodore, but the thinges
that were cōteyned in them / were like to be
any other mans wrytingis rather thā Dio-
dors. But me semeth / that there is some
craftie felowe / that hath put vpon him thy
persone / that by this meanes at the lest he
might misuse the auctoritie of thy name,
to gette hym credence, and to be beleued of
his herers and schollers. For this man
that wrote this thing, whan he was asked
whether it was lefull for a man, whan his
wyfe was deed / to marie his wyues syster,
dyd nat abboire this question / in so moche
that he suffred to here it with a very good
wyl, and dyd study and labour to promote
and sette forwardes this lust, whiche is to
shameles / to wanton / to foule & vncleanly.
And if I had those same wrytynges with
me / I wold doutles now or this time haue

The thirde

sent them to the/bicause thou mightest so-
cour and helpe both thy selfe and also the
treuth. But bicause the same man/whiche
brought the writinges,caried them by and
by away with him again/and afterwardes
boze them about with him/shewyng them
in euerye place/as thoughe he had gotten
the victorie of vs/whiche before tyme had
forbydden suche maner of maryages/ and
dyd boost/that he had this licence of vs in
writing: I determined to write vnto the of
this thinge, to thintent that we shulde of
both handes go about to reprove this ima-
gined tale/and falsly forged sayenge of this
felowe, to shewe that it is nothyng but a
sterke lie/lest it may hurt them, into whose
handes it shal fortune to come. And truly
firste of al we may leye ageynst him the co-
mune custome, and suche a custome, which
by ryghte and reason is as stronge as any
lawe/bycause it is no newe thing, but hath
continued of longe tyme, and was brought
vnto vs/nat by euery body/but by the holi
fathers, and the custome is this: That if
any man, ouercome with a shameles and
an vnclenly affection & lustynes/ do fortune
to ioyne so vnlesfully, that he coupleth him
selfe

selfe by mariage with. ij. systers/this man
 is iuged nother to haue contracte any ma-
 riage/and that he must not be admitted in
 to the cōmunion of the churche/or to come
 into the company of christian folke, before
 that they haue broken this so vnlesful cou-
 ple or bōde/ & be departed the ton from to-
 ther, in so moch that if we had none other
 thinge in this matter/ to kepe away this so
 great a mischese, only the auctorite of this
 custome were sufficiēt. But bicause who so
 euer wrote this epistle/ went onely aboute
 this thinge, to brynge in to the maners of
 men so great a pestilence & corruptiō by co-
 lours of argumentes/by a craftie and sub-
 tile reason: it shalbe necessarie also for vs,
 not ytterly to absteine from the ayde and
 helpe of reasons. how be it in thinges that
 be very plain and wel knowen/ the opinion
 that men haue conceyued alredy/ and that
 doth appere to haue bene receyued by the
 opinyons and myndes of holye men, in so
 moche that there is a custome brought vp
 by the same: ought to be of more weight &
 regarde with every man, than that thyng,
 whiche reason inuented and imagined af-
 terwarde/ shulde be of power to persuade.

The thirde

It is written/saye they/ in the Leuiticall.
Thou shalt nat take the syster of thy
wyfe, beyng yet a lyue, to cause them
stryue/whiche of them shall be beste be-
loued and mooste sette by/ for to discouer
her foulnesse vpon her. By the whiche
word is it is open/sey they/that it is suffred
to take thy wyues syster/whan thy wyfe is
deed. wherunto first of all I answer and
say this: what so euer the lawe saith/it spe-
keth to them, that be bound to kepe the law
as to the Iues/ but not to vs/ that be chris-
tē folke. For by this meane we shulde be
bounde to be circūcised/ to kepe the sabbat
or day of rest/ and to forbear and absteyne
from meates. For we shuld not submit vs
& binde our selfe to the yoke of the bōdage
of the lawe, where as we finde any thinge,
that doth agre with our appetite & plesure/
and when there appereth any thing in the
lawe/that is heuy and hard, and contrary
to our pleasure and appetite/then to runne
to the libertie and fredome/that Christe in
his godspell and lawe hath set vs in. But
if any man aske this questiō/whether this
thing be wryten in the lawe or no? whether
a man that hath married the one syster may
also

also marie the other: I saye for a suertie/
 that whiche vnto vs is bothe manifest and
 true/that there is no suche thinge writtē in
 the law./for a thyng that is not expressed in
 the text or letter/but it may be gethered of
 the wordes/ that the lawemaker meaned
 so/ if suche a thyng be brought in by ma-
 ner of a reason/ as that must nedes folowe
 of that is sayde there/ though it be nat ex-
 pressely wrytten/ to saye whether the lawe
 maker meaned thus or no/ this is a poynt
 that belongeth to the maker of the lawe
 selfe to determine/ and nat to hym, whiche
 is desired to telle, what is expressed in the
 scripture. for els if euery mā may say, that
 this was the lawers mynde/ & though he
 spake it not, yet he vnderstode it, & this he
 did mene, as of the wordes may wel be ge-
 thred: thā if ther be any mā of so vngodly
 audacitie/ & wicked boldnesse/ whiche/ euen
 while his wyfe is alyue/ wold haue her sis-
 ter to his wyfe, he shall not lacke/ wherby
 he may proue that he maye lausfully do it/
 by a like glose & distinction. ye & no doubt
 herof/ for the scripture is this: Thou shalt
 nat take thy wyues syster, while thy wyfe
 is a lyue, for to make stryfe and debatē
 §.iiij. betwene

The thirde

betwene them/ whiche of them shulde be better loued. Of this it soloweth, and so the lawemaker shuld seme to meane, that if there be no suche stryfe for preeminence of loue betwene them, thā it is not forbid, for a man to be married at ones to .ij. sisters. For he that wyl set his minde vpon his lustines and pleasure, wyl holde stryfly, and say that it is nat possible, that any suche emulation or stryfe shulde chaunce betwene systers. And by this meane, syns that the cause is ceased and gone for the which the mariage of .ij. systers vnto one man is forbidden: what nowe can let, that it shulde not be lefull for any man to haue at one tyme .ij. systers to his wyues/ if we wyl admit suche facion of reasoninge in scripture.

But thou wylt say to vs, this reason that we make nowe is not in the scripture; we graunt and say like wise agayne to thee no more is that reason determined and certeyned by scripture/ by the which it shuld be proued of the contrary parte/ that it is lefull for a man to mary .ij. systers. For the inuention and glose by the whiche bothe the parties saith, that their intēt and purpose both solowe of the scripture, though
it be

it be not expressed in scripture; is all of lyke
 on the one syde, and on the other/and gy-
 ueth asmoche lybertye and lycence to do
 noughtli with as moche unpunishmet the
 tone glose as doth the tother. But a man
 ought dilygently to haue consydered the
 preceptis that go before/and then he shuld
 haue had no nede to haue taken all this la-
 bour and payne, for to inuente and imagen
 additions to scripture on this maner. For
 it appereth, that the lawemakers mynde
 was not to speke generally in those lawes
 of all maner of sinne/ but to forbyd special-
 ly and onely those vices/ the whiche were
 commonly vsed amonge the Egyptians/
 from whens the children of Israell came/
 and also that were specially vsed amonge
 the Chanaanees, into whose lande they
 were goinge at that time. For in this place
 of the Leviticall the very texte of the scrip-
 ture is thus written, worde for worde, as
 foloweth: you shall not do, sayth god/
 after the custome of the lande of Egypte,
 where you haue dwelled, nor you shal not
 do after the maner and vsage of the regi-
 on of Chanaan/ in to the whiche I shall
 bringe you/ nor ye shall not lyue after their
 f. v. lawes/

The thirde

lawes / nor folowe suche thynges as be le-
full amonge them. In so moche truly / that
it is very likely / that as yet there had ben
no suche piacull or abhominacion comit-
ted amonge those nacione. And therfore it
was thought, that there neded no lawma-
ker / nor lawe to forbid that kinde of synne/
that was not vsed : but that the custome/
vsed of longe tyme amonge them / shulde
be sufficient to make men abhorre and de-
teste so great a vice.

THowe is it then / seynge he forbyddeth
the greater vice / that he speketh not also
of the lesser? doubtles by cause he iudged,
that there shuld come many / which wold
be geue to pleasure, and wolde folowe the
myscheuous example of the patriarche
Jacob / that married his wyfes syster, and
wolde mary with theyr wyues systerne,
ye and that theyr wyues beynge a lyue.

But nowe what shall we do : whether
shal we confesse and graunt those thynges,
that be written? or shall we apply our wyt
to be somewhat curious, and to serche out
those thynges / that be wrapped vp in si-
lence? It is not provided fore, bere in this
lawe, that the father and the sonne shulde
not

not vse one harlotte: and yet the prophet iudgeth them worthy of as greate rebuke as may be, where he saythe: Lo the father and the sonne go to one woman. Finally howe many and diuerse kyndes of synne hath the crafty dyscipline and scole of the deuell inuented the which the scripture of god passeth ouer in secret, & sylence, and that for this cōsyderacion and intent, by cause the scripture of god suffereth not her honourable and reuerende maieste to be contaminated and diskeyned with the names of so fowle vices / but scripture comprehendeth all maner of vnclenlynes vnder generall names. Lyke wyse as Paule the appostle, vnder this one general worde vnclenlynes, comprehendeth all maner of vnclenlynes / & not to be spoken impurites of man and woman: where as he sayeth: Let nother harlottry, nor fornicacion, nor yet no maner of vnclennesse, be ones named amonge you, as it besemeth saintes. So by this we may se, how true it is, that the sylence of scripture can not helpe vs, that we shulde haue lybertie to fulfyll our fylthy pleasures.

Now be it we iuge / that the lawmaker
did

The thirde

did nat vtterly holde his peace in this matter/ but that he hath forbidden this thing as diligently and as vehemently, and streitly as can be. For seing he saith: Thou shalt not approche to no woman, that is here of thy flesshe and bloudde / to discover her foulness or priuities: This sayenge dothe comprehend also our kynne by affinitie. For what kynne can be more surely knyt, or more nere to a man/ than his owne wyfe or to speake better, than his owne propre flesshe or bodye? For nowe they be no more two bodyes/ but one flesshe or bodye. And for this cause hit is not lafull in any case for the wyues syster to approche vnto her sisters hus bande, which is nere of her kyn. For like wise as we absteyne from our stepmother, as we do from our owne mother/ and hit is as vnlesfull to marye our wyues doughter/ as our owne doughter: even in lyke maner we maye not mary our wyues syster no more than we maye our naturall systers. And on the other syde among women this reason of kynrede hath place in lyke maner. for women be forbydden to medle with the nigh kinsmen of their hus bandes as the men maye not medle with
the

the nygh kynswoman of their wyfes/seing
that the rightes and lawes of kinred do al
of lyke bynde them bothe, the women, as
well as the men/as it is euidently knowen.

¶ But I do admoniss be and saye vnto all
men, whiche thynke any thynge on mari-
age, that the floure and state of this world
taryeth not/ and there is a shorte tyme to
come/ to thentent that they, whiche haue
wiues shulde behaue them iclse, as if they
had no wyues. ¶ That if any man on the
other syde wyll ley ageynst me this saynge
of god, Increse you ⁊ multiplie, then wold
I laugh at the mans yndiscretnes/ whiche
dothe not consyder the tymes/ whan the
lawes were made/ and what were the occa-
sions of makynge of them. For seconde
marriage is permised to auoyde fornicaciō,
and harlatri with commune women, and
concubynes/ and to comfort the impotent-
nes ⁊ great frailtie of nature/ ⁊ nat bicause
it shulde be (if I may so call it) a gardeui-
andes or mainteynaunce to intemperaunce
and excesse of suche pleasure: and therfore
sayeth the apostell. They that can not re-
frayne and forbear/ let them mary. Howe
be it they that mary not, do nat against the
lawe

The thirde

lawe thoughte they marie not. But suche kinde of men, that wolde marie their wyues systerne/bicause their iugement and vnderstandinge is all blynded with a shamefull and an infamous affection and lust/they loke not ones vpon nature/which long sines hath diuised certayne and speciall names; the whiche shulde shewe of whens euery man is borne. and where a mā marieth. ij. sisters/this canne not be. for they that be borne of suche couchinge to gethers, what name shal one of them call the other, bretherne or cosyns, that is sisters childernes. For soth by the meane of this mingle they may call eche other indifferently/ both bretherne and also cosins, with great cōfusiō both of names & of kynred also. wherfore O man, make nat thy babes a stepmother in the stede of their other mother/ or aunt by the moder side. Nor arme her not with cruell ielosyes and spytes of stepmothers; whiche ought before of nature and kinde to cherisshe thy children euen lyke a mother, where as nowe vnto them that thou haddest bi the first sister, the ij. sister, if thou marie her, muste nedes be a stepmother. for of stepmothers only the hatred & malice is so

so egre, that it reuengeth displeasures after the dethe of them/that they be displeased with. And where as in all other discordes dethe maketh peace/the spyte and mallice reygnethe and ragetbe in them euen after deathe.

For a conclusion of this matter, if a man desyre a wyse/ accordynge to the lawe/the world is wide, he mai haue choise inough. But if he regarde not the law/ but his lust, so moche moze he oucht to be withstande, for to lerne him/ to kepe his vessell cleane/ accordinge to honestie/ not to the desire of the flesshe. I was about to write more vnto the/ but it shuld be out of measure for a letter/ and I pray god that other this our admonicion may preuaile ageinst all suche foule affection and lust, or els that this pestilence come no nere vs: but that it maye weare out in the same places, where as suche shamefull boldenes fyrst beganne.

On these mennes syde is also Isichius/ Gregorie Nazianzens scholer/ an excellent lerned man in holy scripture. For he expouninge this place of the Leuitical sayth thus. The intent of al this proces is this, that we shulde absteyne from all vice/ and

The thirde

do those thynges that be vertuous. For the lawemakers intent here is this/ to restraine vs frō all lechery/ and not to be spoken mariages, and from fornication, both spirituall & carnall. wherfore whan he gyueth these forsayde commandementes/ he saith: **I** your lorde god. whiche wordes he spake for this cause, that whan we perceyue that he, whiche cōmanded vs to do these thinges/ is our creatour / and made vs of nought / and that he is our lorde and god/ we shulde with all berte and mynde applie our selfe to kepe the thinges whiche he commaunded. For god dyd not in one place of the lawe gyue twise commaundement / that they shuld do his iudgemētes, and kepe his cōmandemētes: god made no such rehersall nor doublynge/ nor said not twise: **I** your lorde god: but **Moses**, yea rather the holy gost, that spake in **Moses**, doth this for this consideration, that these holy lawes shulde not be dispised or littell regarded, by cause some sayde, that they were **Moses** lawes. But these thynges, that be here commaunded / be not **Moses** preceptes, but the commaundementes of god. Agayn **Moses** reherfed these thinges
twyse,

bycause there was meruaylous diligence
and studye taken, that bothe the letter and
texte/ and the lytterall or carnall sens and
playne meahynge of these preceptes shuld
be obserued and kepte / and also the spiri-
tuall and gostly vnderstandyng/ and that
a great and a right lawe shulde compose
and order bothe the outwarde and the in-
warde man also, whiche is bounde to kepe
bothe the outwarde superfyciall meahnyng
of this lawe/ and also the inwarde and my-
sticall intet of the same. And as for the vt-
termore and superficial minde of this lawe/
forbyddeth them/ that be nyghe of bloud/
to haue any a do to gether by the waye of
marriage or other wyse; bicause that thyng
also was kept amonge the bethens; whose
londe god dyd take from them / to gyue it
the Iues for their heritage. And by cause
he wolde shewe that this comaundement
is necessary and of netessite to be kepte/ he
dothe nat onely reckon vp the degrees of
kynred/ but also in rekenyng them/ he set-
teth forth playnely the cause; why euery
lawe was made/ and the comixtion or cou-
plynge of suche persons he calleth it disco-
uerynge of foulenes or shamelesnes/ signi-
finge

The thirde

fienge, that who so euer commytteth any
suche dedes, every body shulde be asha-
med of him/ every body tourne their faces
from hym, and that he ought to be abhor-
red and hated of every body. For who so
ynbelleth the foulenes/ or the parties to be
asbamed of, of his kynsfolke, be they of
kyn gossly & spiritual, or bodili and carnal/
he is soude to be a breker and a transgres-
sour of al the holle lawe. For the thinge/
that he doth, is contrary to loue and cha-
rite, whiche is the fulfyllinge and perfor-
ming of al the holle lawe. And that a man
or a woman is after no small facion pol-
luted and defyled by these forsayde vices,
the indignation vengeance and punyssh-
ment, that is appointed for such vice, doth
euidently shew. And truly we ought not to
pollute our selfe with neuer one of them.
For who so is polluted with any one of
them, is polluted with them all. Therfore
whan the lawe wolde shewe/ that they be
all ioyned and knytte faste to gether/ so
that a man can not offend i one but he must
offend in all/ & so be polluted by al/ for this
cōsideracion the lawe hath gathered them
all to gether, and couched them vp bere
all

all in one place / and proueth that they be
so greuous and haynous enormities / that
they destroyed holle nations / and polluted
the lande, and whā it was polluted, made
it for to be forsaken / and to vomit out and
refuse them that had comytted suche vice
in hit, not bycause the lande coulde expell,
put out, or euomit them / but bycause euen
the very erthe selfe, of the owne Nature /
that god hathe gyuen it, doth wayle and
mourne at suche abominations: and god
that is ryghtefull taketh vengeaunce both
for this mournynge and heuynesse of the
erth his creature, and also for breache of
his lawe / and for infamie and villany done
to his creature.

¶ He maketh ofte reherfall / and stableth
his law, and cōfirmeth his thretis, and a
geyn setteth punisshementes, and that for
this intent, bycause he wolde feare vs, and
quicken vs to forbere suche thinges, as he
forbiddeth vs, that we shuld not fall in to
the penaltie / that he hath thret. And truly
the penaltie is the losse and destruction of
the soule, which begineth here in this life
by syn, that is deth of the soule, ⁊ is accom
plishēd ⁊ ended in the lyfe to come in the

The thirde

euclasting tourmentes of hell. wherfore
he byddeth bothe the Jewes/ and straun-
gers, that do professe the Jues lawe, to flie
from suche abhominations, and in no case
to do them, which thinges our auncientes
greatly ysed, and they haue polluted our
lande. And yet nowe the thyzde tyme he
commaunded the same thynges, to shewe
that they be not the comadementes of mā
but of god hym selfe. Laste of al sayth he/
consyder with what wordes he doth con-
fyrme this presente constitution or penall
lawe: Suffre nat your selfe to be polluted
with such vices: for I am your lorde god:
wyllyng that we all shulde be cleane from
al pollution and syn/for the image ⁊ simili-
tude of god is with in vs, and roude about
vs. and as often as we pollute the image
of god by syn, but specially by any of these
noughtie and not to be spoken dedes/ that
ben here forbidden, god must nedis be dis-
pleased and angry. And if we kepe this y-
mage of god within our sowe pure and
cleane/ god hath suche delyte and pleasure
therein, that he vouchith saufe to inha-
bite within vs. Therfore who so euer doth
desyle the temple or churche of god, god
shall

shal destroy hym. For the temple or church of god is holy whiche church or temple you be, saith Paule to al christen folke.

CAgayn Isichius sayth a litle after. It is in very dede, quod he / vncomely and as nye to the lyfe of brute bestes as can be / for a man to be maryed and medle with his brothers wyfe / or with any of his kinsmens wyues, namely of them that be nere of blood. wherfore god commandeth and decreeth, that he whiche marieth of this facion shall dy without children. Doubtles bycause that he misusynge hym selfe doth marre and confounde / and ytterly disorder the lawe of bryngynge forth children.

CAnd agayn afterwarde sayth Isichius. These thynges be not spoken of onely to the Iues / whiche by cause they be circumcised and haue Moyses lawe / thynke them selfe alone from al other nations, but they be spoken to every man woman and childe whiche intende to serue god.

CAnd to this place we haue reberfed you Isichius wordes. Nowe with all these doctours opinion agreeth saynt Ambrose, saynt Hierome, and saynt Augustine.

CFirste where one Paterne had a sonne

G. iij.

by

The thirde

by one womā, and a doughter by another,
whiche had also a doughter, & wold haue
maryed his doughters doughter to his
sonne/the maidens halfe yncle, he counsaile
d saint Ambrose in the case / which made
hym this aunswere: I nother thynke nor
iudge, that your bysshop / an holy man,
doth loke after my sentence and iudgement
in this matter. For if he hadde, he wold
haue witten to me of it / and in someche
as he wytteth not, he sheweth playnly,
that he iudgeth this no matter to be doub
ted on. for what doubt may be in this case,
whether thy sonne, and thy doughters
doughter, or thy nece by thin owne dought
er, may mary to gethers? seynge the lawe
of god forbyddeth, that thy sonne shulde
mary with thy brothers doughter. But
fyrst let vs examine the wordes of the law.
for thou ptēdest in thy letters / that by this
lawe of god, mariage betwene suche pled
ges or childerne / as thin be / is suffred, sins
that it is not forbidden. And I sey plainly,
that it is forbidden. For sithins that those
thynges / whiche be not so greuous vices,
be forbydden, as that we sayde of brother
children, moche more this, I thynke, is
forbyde

forbydden/where is moche nerer kynred.
For he that byndeth vs to flee the lesser/
dothe not set vs at libertie for the greater
synne, but byndeth vs the more. Than if
thou thinke it is permised for this/bicause
it is not forbidden specially and expressely,
and by name, no more thou shalt not finde
this thyng/forbydden by the wordes of
the lawe/that the father shulde not take
his doughter to wife. And is it lausful there-
fore, by cause it is not forbydden? ye no-
thinge so. It is forbydden by the ryght of
nature/it is forbydden by the lawe, that is
in euery mans bert and conscience/it is for-
bidden by loue and charite, which by long
vsage & custome/bi continuance & proces of
time, hath gotté this thinge by p̄scription/
which forsoth is not to be broken/it is for-
biddé by title & richt of nigh kinred. howe
many suche great thinges shalt thou synd
not forbydden expressely by the lawe/that
Moses made? and yet the same be forbid-
den by a certeine playne expresse cōmaunde-
ment of nature. ye and ageyne how many
thinges be there, whiche are lesfull to do,
and yet not expedient: All thynges be lea-
ful, but al thinges do not bylde and edifie.

G. iiii.

That

The thirde

That if the apostoll dothe calle vs backe from those thinges, that do not edifie/ how can we trowe, that suche a thinge is to be done, that is not lesfull by the sayenge of the lawe/ nor yet doth not edifye, by cause the ordre of pitie loue and charitie is agaynst it, and it agaynste the ordre of loue and charitie? For what is more solemne, or more customably and reuerently obserued, than the charitable kyssse betwene the vncle and the nece/ whiche he oweth to her of duetic, as to his doughter, and she to him/ as to her father? Shalt thou then go and make this innocent kyssse of loue and charite, in the whiche is none offence nor suspycion of euyll, to be suspecte, whyle thou dost intende suche mariage? And wilt thou take awaye from thy dere pledges or childerne so deuout and religious a sacrament and holy token of pure and naturall loue? And beside al this/ what a great confusyon of other wordes shulde there be? thou one man shalt be called of one womā graundefather and father in lawe. She also shall be called of the by contrarye names/ as nees and doughter in lawe. Also the brother and sister shal borow contrary names.

names. For she shall be her brothers mother in lawe/ and he shall be sonne in lawe to his syster. Shall the nece be married ynto her yncle or mothers brother? and shall the pure loue and charite of thyn innocent children be tourned in to lusty and carnall loue? But thoughe thou suffre the commaundement of god go by/ at the leest wise thou shuldest haue regarded the cōmaundementes of the Emperours, of whome thou haste hadde great honour and preferment. For Theodos the emperour forbade the brothers and the syster children to comie to gether in the waye of matrimonye, and bathe establysshedde verye sore punisshment, if any person be so bolde to disteyne the brethers dere gages/ and yet brothers chylderne be in equalle degree/ nor the one is not superyour/ or as it were parent ynto the tother/ as in thy children/ wber the yncle shuld mary his nece. By cause brether chylderne be in a maner bretherne and systerne/ cōming al of one parentes/ if it were for nothing els/ yet for the reuerence that they owe to the same parentes, the Emperour wolde haue them absteyne from marieng the one with thother.

E. y.

If

The thirde

If thou say, that it hath ben dispensedde with all by god: and though it hath/ yet is this no pindice or president vnto the lawe. For that statute, that is made in commune and generally for al, if it be releassed/ it belpeth hym onely / to whome it appereth to be releassed / and none other. And though we rede in the olde testament, that some man called his sister wyfe, yet this was neuer harde / that any man shulde take his nece to his wyfe, and shulde calle her his mate. Nowe furthermore / that is the gayest thyng of all, where thou denyeste, that thy nece is nere of kyn vnto her vncle thy sonne, by cause she is not of kynne vnto him by agnation, or by her fathers side, but onely by cognation / or by her mothers syde / as who saith, that belly brotherne, that is / they that be gotten of dyuers fathers / and of one mother, myght make a maryage / and yet these persones be not of kynne by the fathers syde, but only by the moder side. wherfore no remedi thou must go from this intent and purpose / whiche & if thou mightest atteyne, yet shuld it neuer increace thy familie or lineage.

The seconde doctour, that we mencio-
ned

mid, is saint Hierome, which writeth thus: what kyn thinge is this/ that Abraham a iust & a good man toke his fathers doughter to wyfe? seing that the fyrst men, which were Adams children/ though they dyd so in dede, yet for the holynes of mens eares the scripture dothe not expresse it/ but wyleth it rather to be vnderstanden than spoken, the thinge is so abhominable. And seinge ageyn that god afterwarde ordeyned a lawe for it, wherin he threteth/ that who so shal take his sister, other on father side or on mothers syde, and shal se her soulenes, it is a rebuke and shame, he shal be dryuen out of his countrey in sight of his owne kynne/ he hath vnbilled the priuities of his syster, he shal receyue his rewarde for his sin. This saint Hierome speaketh, as if he wold say/ that this Leuitical lawe, that a man shulde nat marye his syster, is so grounded on naturall reason, that not onely Abraham ought to haue kepte this lawe/ and that before it was publyshed in wrytynge / but also as many as professe the same saythe/ beleue and truste in god/ that Abraham had/ and that all faithfule in Christe ought to haue. **L**aste of all saynt

The thirde

saint Augustine where he goth aboute to confounde and ouer come Faustus, that fore enemye to Christes saythe / whiche leyde it for a foule vice and punysshable, that christian men at that tyme wolde nother admit nor yet abyde to here the lawe of Deuteronomi ones to be spoken on, that a man might mary his brothers wydowe his brother beyng dead without children, aunswereth to Faustus on this maner.

Certayne lawes of the booke of the olde testament we do nat kepe nowe a dayes, because suche lawes were made onely to be a shadowe of thynges that shuld folowe. And these lawes though they were conuenient, and fit to be commaunded and suffered for that people / and for that tyme / yet we nowe a dayes that be christian people, oughte not to kepe them bodely. or as the bare letter and wordes both speke: but we muste consyder / what they sygnifye / and we be taught by the apostels owne wytynges that we must kepe suche lawes spirituallly not corporally. for whan we rede any suche thynges in the instrument of the olde testamente / whiche in the newe testament we other be not commanded to kepe

or vtterly forbyd to kepe them / we muste
not rebuke it, but we must seke out / what is
the gostly meanynge of it. For in so moche
as we do no more obserue it / that proueth
not, that it is damned, & in no wise to be re-
ceiued / but that it is fulfilled. And therfore
this same selfe thynge / that Faustus, by
cause he dothe nat vnderstande it / hathe
layde against christian men, as a crime and
greuous offence : serueth for nothyng elles
in the worlde, but onely to shewe mystical-
ly vnder a fygure and cloude a spirituall
purpose / & it is this, that euery preachour
of the godspell is boude so to labour in the
godspell / that he stir vp sede vnto his bro-
ther departed / that is to Christe, whiche
dyled for vs. And the sede that shal be stir-
red yppe, muste haue the name of the bro-
ther, that is departed. wherfore we be cal-
led Christiāns / and therfore without doubt,
we nowe be bounde to kepe and fulfill this
lawe, not carnally by bodily generacion /
after the olde meanynge and takynge of it /
but spiritually / and by gostly generacion,
and after the trewe vnderstandynge. And
for this saint Paule the apostell fulfylleth
this lawe spirituallly / where he is angrie
with

The thirde

with them/whom he saythe hym selfe to haue engendred and gotten throughe the godspell and the worde of god to Christe Iesus his brother, and not to him selfe/nor to none other mā. And therfore doth sharply blame & rebuke them/whiche wolde be called Paulins, or Paulis men. what, saith he, was Paule crucified for you? or were you baptyised in the name of Paule? as if he had sayde/ I begat you to my brother/whiche is deed, that is, to Christe. Be you called therfore Christians / Christes men, not Paulins or Paulis men.

CAgayn/in his boke of questions vpo the Leuiticall/ and in that worke also/ that he named the Myrroꝝ, he saith, that this forbod, that a man shulde not marie his brothers wife/and al other thingis, that be forbidd in the .xviij. chap. of the Leuiticall/we be bounde without doubte to kepe them now, in the tyme of the newe testamēt and lawe of the godspell, whan the obseruaunce and kepyng of the olde shadowes/and bodily or outwarde tokens is taken away. For what soeuer thyng, as he sayth in an other place/dothe helpe and serue for vtrue & good maners/lykewyse as they were not ordey.

ordined to betokē any thinge/ but to shewe
vs howe we muste lyue: so they ought nat
by any interpretation or vnderstandyng, be
applied to any signifyng or tokenyng, as
if they were but signes & tokens of thyn-
ges. But as many as be of Christes reli-
gion and beleue / be bounde of necessitie to
kepe them, euen so as they be spoken.

And in an other place he saith/ Although
in tyme paste men married their sisters / yet
that thing was done bicause necessite com-
pelled mē vnto it/ for as moche as thā were
so fewe people: but this thig is not so olde/
nor was neuer so necessary/ but it is now as
damnable / bicause that religion dothe for-
byd it. For it ought to be done than/ whan
it might/ bicause that by mariēge of sisters
there might be plentie of women, & so that
by processe they might take wiues/ whiche
shulde nat be their sisters. but afterwarde
ones that this necessite ceased, & that there
were women inoughe, this thyng oughte
not onely to be vndone/ but if it were done,
it shulde be a crime not to be spoken. For
I wote not howe / saith he/ there is amōge
all the poyntes of mans shamefacidnes
one certayne natural & cōmendable poynt,
and

The thirde

and it is this, that to what so euer woman we be bounde to do honour with reuerence and shamefastnes / our carnall luste / yea though it be for generation / yet by cause it is carnall luste / we refrayne it from that woman, specially considerynge that we be maryed folke / namely that haue shame & honestie / to be ashamed of suche luste.

Nowe here thou seest / gentyll indifferēt reader, what is the iugement of these great diuinis : wherein thou shalt call to thy remembrance. iij. or. v. thynges.

Fyrste what so euer persone of Christes beleue breke any of these Leuiticall prohibitions of maryage, he shall be damned bothe bodye and soule in to everlastyng death of helle. Seconde that not onely the Iues dyd absteyne from marienge their brothers wyues / euen as ye wolde say / for feare of some mischiese, & yet they mighte haue done it by auctorite of their lawe, but that the very heathens also after the dethe of their wyues, dydde euer more absteyne from maryinge of their wyues susterne / as from a certayne impietie or abhominacion agaynst nature. Thirde, that mariages contracte contrary to these prohibitions / be

be vncomely and abhomynable, and as
nere as can be to the lyfe of brute beastes/
and suche as christian people shuld nother
abyde to here them spoken of, nor yet to
thynke on them, and that they be cleane
contrarye to charitie, ye and furthermore
that they be the transgression and breking
of all the lawe. Fourthe, that they be so
greuous and so hateful in the sight of god,
that they haue destroyed hole nations/pol
luted the lande, and being polluted/caused
bit naturally to grudge & to put them out,
which had comised suche thinges/doutles
bicause that god did take vengeance at the
grese and complaynt of the lande. Finally
that these prohibitions perteyne not onely
ynto the Iues / but to all christians, whi
che come to serue god : and that they /
whiche be polluted and corrupte with any
one of these not to be spoken dedes, is de
fyled with them all/and that god is angry
with them, and wyll not dwell with them,
and contrary that the spirite of god dwel
leth in them / that kepe them selfe cleane
from suche foule couples. And seynge
that these foresayde thynges be true, it is
prouided as playnely as can be, that these

The thirde

Leuitical lawes be, out of doubt/ the cōmandementes of god/ and that/ morall cōmandementes/ ordained for thincrease and mayntenaunce of honestie and vertue, and that they muste not be kepte after a spirituall and a mysticall vnderstandynge, as Iſchius saith, more than after the playne letter, and euen as they be spoken, namely amonge christian folke. For as many as be trewe Christes disciples/ the spirite of god dwelleth in them/ and if there be any/ that hath not the spirite of Christe, he is none of Christes. And therfore christian people specially had nede to be holye, and not to suspēde the temple or churche of god with suche abominations, or any other vice: but it becometh them to be innocent from all maner of foulenes and vnclenlynes.

And marke well this thyng also/ gentyll indifferent reder, that saynt Ambrose boldeth, that it is no doubt, and without question forbydden / any manne to marye his halfe sisters doughter, and that for many consyderations, as for the increase or multiplyenge of stockes / or by cause of religion and reuerence, that is in the names of kynrede: whiche to be chaunged/

or to be confounded by the meane of vncleanly loue/ he iudgeth it a thinge not to be spoken: or els bycause these maryages be forbydden bothe by the lawe of nature/ and so moche more by the lawe of god: or els bycause suche couples be not conuenient nor syttyng, for as moche as the ordre of natural loue or reuerence is ageynst hit: and also bycause that moost religious and deuoute sacramente, and charytable kyss, the whiche is withoute offense / that the vncle dothe owe vnto his nece, as to his doughter, and she to her vncle, as to her father, shulde by suche maryages be taken awaye: or synally bicause that suche mariages be forbydden euen by the lawe of manne, as by the lawe Liuille. Howe moche more thanne ought we to thynke, that we shulde make no suche maryages, as be before forbydden in the Leuiticall: the whiche as they be full of bondes / of farre more nere kynrede thanne this, so is there more foulnesse and malyciousnesse in the doynge of them, and they lette more the multiplyenge of stockes/and they confounde more the religion

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and reuerence of the names of kynred/and they be also moche more vnlesfull/ by cause they be forbydden bothe by the expresse commandement of god/publiffed by the mouthe of Moſes, and alſo prohibite by the lawe of nature, and beſide this/they let the increaſe of loue and charitie a great deale more, and be agaynſte naturall reuerence and ſhamefacidnes, and for a concluſion, they be forbydden and interdicte not onely by the lawe Liuill, but alſo by the holy canons and rules of the ſacre holye churchē/ ſuche no doubtē as were indicted and cōmanded by the holy ſpīrite of god, whiche bath the orderinge and thadminiſtration of the churchē of god.

☛ The fourthe Chaptre.



And nowe after that we haue reberſed the doctours of the churchē of Chriſte, which be of moſt great auctorite/ſame/ and renowne : let vs come to the writings of the other expoūders & interpreters of ſcripture/which though they be not of ſo great auctoritie/ yet for al that their

they: credence and lernynge is both receiued and iudged to be of grauitie.

¶ Truly saint Ancelme, sometyme archebysshoppe of Launturbury/ whan one asked hym/ by what reason the forbydding/ that we shulde not mary any of our consanguinite or affinite, hath so great stréngth and power in the church of god/ that there can be no perdon or dispensatiō for the brekyng of it, excepte that the mariage fyrste be broken, he answered thus, bicause/ saith he/ I se the here seke and demaunde not onely the auctoritie, as I might say, compellynge and constraynyng onely by force and power/ but rather to seke a reason, prouynge and shewynge vnto the this thinge by reason: by cause thou shalte knowe/ that I wyll satisfie and fulfyll thy wyl and desire/ all be it peraventure I am nat able/ yet I wyll endeuer my selfe to content the somwhat in this behalfe. The canons and lawes of the church be full of this commaundement/ and there be many decrees of the olde fathers also/ that we shulde not mari with any of our bloudde/ or if we haue married, that we shulde be departed and disceuered again. And as for the cause

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or reason of this comāndement, al be it I might say that the simple & plaine reason is to obey the power & auctoritie of them, to whom Christus sayd: It is not you your selfe truly that do speake, but the spirite of your father, whiche speaketh in you / and to folowe the custome of the holi church, whose customes to breake and fordo is a kynde of heresy: yet for all that by the consideration and marking also of holy scripture I am wont to thynke thus with my selfe. Amonge the olde and auncient people of the Iues, it was not leful for any person to mary with any out of his trybe. And whan I doubted, and soughte a reason why so: the daughters of Salphaad came to my remēbraunce. For whose mariages / whan certayne of theyr trybe and kynred dyd aske counsayle of Moses, and by Moses, of our lorde: comādemēt was gyuen them of our lorde, that there shuld be no mariages made out of one tribe into another, whiche was ordained by cause the inheritauce of the tribes shulde not be dimynished. For that carnall people could not liste vp their hartes to heuen, but as an erthely crepyng beaste, with all their
breast

breast and harte fast cleauing to the erthe,
thought only of the erthely heritage/ and
not of the heuently. Therfore euerye tribe
had leauer to kepe their selfe within the
straits of their tribe, by maryenge to ge-
ther one of the selfe same tribe with an o-
ther/ then by marienge out of their stocke,
to diuylde & parte out also their heritage.
for suche was their heritage/ & suche is all
erthely heritage/ that if hit be ones diuyl-
ded/ it waxeth lesse and dimynisheth / nor
can not come all holle to many. Therfore,
as our lorde him selfe in the gospell sayth
to the Iues, that Moses dyd suffre them
for their yngracious stomakes and harde
hartes, to put away their wyues / so that
they put in a bill of diuorfe: euin so in this
case Moses gaue an answer to their car-
nalites & fleshly desires, & acording to their
stubborne & hard hartes, that they shulde
nat mary out of their tribe: but the good-
nes and perfectnes of vs / that be christian
folke, is not on this facion. For seing that
our herytage is god/ of whom hit is spo-
ken, God is loue and charitie, lyke wise as
the Iues vsed a lawe fit & agreable to their
heritage, so we ought to maitein a law for

D.iiij.

our

The fourth

our heritage/whiche is the lawe of loue and charitie. For as for loue and charite the brodder it is spredde, the more remayneth to hym, that doth spredde and caste it abroad/ and the more his loue and charite dothe increace. Therfore the christian religion and perfection hath ordained, that the boundes and buttayles of consanguynite shuld be stretched forth vnto the. vi. degree on euery syde, accordyng to the decrees of holy fathers and canons: so that kynnsfolke being within the. vi. degree, may not marye to gether/ betwene whom their owne naturall affection of one to a nother shulde be sufficiente to fortifye and make stronge loue and charite betwene them, the whiche natural affection it is great sinne to violate and breke/euen amonge the bethen and ynchristian people. And where that this naturall affection and loue begynneth to faile, there onely muste be putte to / the bonde of mariage/soz to bynde loue & charite to gether agein/that it slyp not away, to enlarge the boundes & buttayles of our heritage, whiche is loue and charite. And it semeth moste right and reasonable, that as amonge the Jewes the transgressour of
their

they: lawe was punisshed accordyngely,
for marienge out of their tribe and kinred/
for to conserue their ertbely heritage: so
amonge vs christian people it is ryght and
resonable/that the trasgressoz of our lawe
be punisshed, to thintent our heuenly cou-
trei and godly heritage may be encreased.
¶ Yet an other reson. As they were forbid-
den to marye out of thayr trybe or stocke,
euen so they were forbydden by the selfe
same lawe to medle with them, that were
nexte of their bloudde. For the lawe saith:
No man medle with her, that is next of
his bloudde: and the lawe putteth vnto/
the auctozitie of the commander/ sayenge/
I the lorde: and as though they had re-
quired a cause and a reasons why it was so
comaunded / the lawe putteth vnto/ Thou
shalt not open and dyscouer thy fathers
foulnes nor thy mothers/ by cause it is the
foulnes or fylthines of thy father and thy
mother. And afterwarde streyght solow-
ynge he reackenneth vppe in ordre those/
that be nexte of bloudde, with whom we
musste not medle/ nor open or discouer their
foulnes/ that is to witte, brotherne and sy-
sterne/ and other that be there described.

¶ The

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The whiche cause and reasone may be also
commune vnto vs / and to them / euen lyke
as the commaundement is cōmune bothe
vnto vs / and to them. Therfore let vs seke
what foulnes is this , whiche who so dis-
couereth and openneth / is wourthy to die
for it. It is a soule thynge / whan one parte
doth not agre with the other. And before
the transgression of the fyrste man Adam,
in all mannes body there was no thynge
fowle fylthy or vnclene, no partie contrary
nor rebellious to a nother. For while that
same harmony and swete agreement / well
and commely proporcioned, by the bande
of the creator and maker god, did yet re-
mayne : one partie dyd agre with an other
and the soule was subiecte and obedient to
god / and the body was subiect and obedi-
ent to the soule in al pointj. But after that
by breakynge of the commaundement of
god / the soule was made inobedyent and
stubborne and rebellious agaynste god his
superiour / the body inferiour was no le-
nger obediēt to the soule his superiour. For
streight the trasgressours / Adam and Eue,
had theyr eies opened. And theyr eyes,
sayth he, were opened / that is to be vnder-
stande

stande the one to haue carnall lust vnto the
tother/ the whiche desyre and luste before
they had not. And where as they before
were naked/ and were not a whit asbamed
therof/ streyghte whan they sawe that the
partes of their bodyes were turned in to
thynges to be asbamed of, went aboute to
hyde and couer them/ and dydde make co-
uerynge for them. The whiche thyng we
maye perceyue euen nowe in children and
litle babes, whiche as longe as they sele/
nor perceyue no stirrynge nor motion of
concupiscence or flesshely lustes/ they haue
no partys that they be asbamed of/ bicause
they can not be asbamed of any parte of
their bodies. But whan they begyn ones
to perceyue and sele that concupiscence/
they can not suffre their priuities to be vn-
coucred. Therfore after this harmoni and
swete agrement was broken and yndone
in our fyrste parentes / there happened not
a lyttell foulenes and originall punyshe-
ment/ that shulde go with originall sinne/
fro them to theyr posteritie, and to al that
shulde come of them. And so by cause of
this foule bodily luste & concupiscence, that
Paule calleth the body of synne/ whiche is
within

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within our body/those membres and partes/that haue ones serued to this lust and concupiscence/be named shamefull partes, foulness, and shame, by cause they be of knowlege/and do wytnesse of our inwarde foulness/ that is to sey/of our luste and stirryng to fleshely medlyng: whiche membres euer more do require to be alway couered and hyd. And this foulness of concupiscence, desire, and lust is then opened or vncouered/whā it requireth and taketh vnto it the office and seruice of the membres/ that be ordyned for it, and dothe falle to practise/ at whiche tyme all that myghte and power of the reasonable soule or of mans wytte is so dulled/ so troubled/ & so ouercome/and so oppressed/ & ouerlaide by the filthy lust of the fleshe, that it may be very well sayde at that time: Adam/where arte thou? That is to say/ thou that wouldest haue ben lyke to god/ I do not se wher to thou art come. And what is more foule than this foulness? what greater shame is there than this shame? The whiche the apostel rebukynge, Flie you, sayth he, fornication. All the synne, that a man doth commit, is without the body, but he that synneth

neth in fornication, synneth agaynste his owne body, that is to sey, all synnis truely hurteth the soule, but yet for all that they soule not the bodye: but he, that committeth fornication, doth not only offend god, and soule his soule, but also he defyleth and maketh vnbonest all the fayrnesse and goodlines of his body. For as a these, whā he is taken, hath a marke bo urned in hym with an iron or with fire, to his vttre and euerlastinge shame and rebuke, so this bodily pleasure was for a punysshement of synne put into our nature, which nature by the faute of brekyng goddes commaundement was nowe holly corrupte thorowe and thorowe in euery parte of it, bycause that he, in whom al our holle nature was, and without whom there was no parte of it, was al holle corrupt. The which foulenes in all persons ought to be couered euer more with the coueryng of shamfacidnes, if it were not necessarie for the generation of man, for a peyne and punysshement of the fyrste synne. And yet there is no suche loue to the generation and encrease of man, that dothe suffre vs to discouer this foulenes in those persones, of whome the lawe saith

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saith, that thei be next of our bloudde. For these persons by the law & motiō of nature self owe this reuerēce of loue & charite one of them to an other, so that there can be no iust & lausful cause why they shulde shame and dishoneste their bodies on this facion/ nor there can be no honeste excuse foude or brought in/whiche may couer & hyde this dishonestie. Not bicause I wolde sey/that mariages be nat boly, and that the bedde is not clene and without spotte & synne, in the whiche matrimony is kepte lausfully, with feare of god/ and for charytable loue and honestye. For by suche matrymonye they that mary/be made one spirite and one sowle, syns that they be made nowe one fleshe. And thus bothe by their honest loue / and also by their desire to engendre and gette chyl dren, do so hyde and couer their dishonestie, & do, as ye wolde sey deuoure & swalowe vp this penall foulness & filthines of mans generation, that as the Apostell saythe: They, that mary / be as though they were not married. Therefore, as we haue sayde, they that were forbydden to mary out of their tribe: by the same lawe also were forbydden to meddle & marry

ry with them/that be nexte of their blood.
But amonge the Jewes this lawe of naturall loue and affection scant did passe the thirde degre of consanguinite, but amonge vs (vnto whome the tyme of correctyon and amendement is conie, by whome god hath corrected and amended the worlde/ and brought it to perfection, whiche shal not be changed) loue hath growen and encreased, and honestie greatly abounded and multiplyed/and for to be token and declare the perfectiō of the gospell, that nombre of 3. is doubled/ & hath extende it selfe in to .6. whiche is a perfecte nombre, & stondith by his owne partes/ euen as the trueth of the gospell stondesth by it selfe alone / & nedeth notbinge elles to vnderfet and staye it vp.
¶ But here thou wilt leye to my charge & say/ that there were in the olde tyme certaine good & vtuos men, which for certain honeste causes did presume & auenture to break & disteine euen the firste & secōd degre of cōsāguinite, as before the lawe did Abrahā/ Isaac/ & Jacob/ which lately before had ben disseuered & cōmanded to go aparte frō other naciōs/ for auoidinge the couplinge & mariage with the same naciōs, and so did
mary

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mary with them, that were nexte of their
bloud/ and this was done before the lawe
was gyuen/ and after that the lawe was
gyuen Caleb gaue Aham his daughter in
wyfe to his yonger brother Othoniel, for
a rewarde of victory, whan he conquered
and overcame the cite of Letters. And also
Thamar kynge Dauids daughter / whan
she was oppressed of her brother, Do not
brother, sayd she, but aske me of the king
my father/ and he wyll nat denye the. The
which kyng David truly/ that was said to
gyue the syster to her brother in wyfe/ was
father to them bothe. wherfore where as
I say they dyd presume vpon some certai
honeste causes and consyderations, that
chaunfed, yet for al that christian religion
z the perfectnes that ought to be in a chris
tian man / wyll iudge nothyng to be ho
nest, that is ageynst the honestie of nature.
CLo here thou haste my mynde, z what
I thynke in this question of thyne, say the
saynt Ancelme, If thou be pleased and co
tented/ it is well: if it displease the, I shall
lyghtly get forgeuenes and perdon of the.
In this opinion also be Hugh Cardinal,
Raufe Flauiacensis / Ruperte Tuitiensis/
Hildbarte

Hildebart Lenomanense/ Iuo Carnotense
all bysshops/ and one water of Constance/
archedeacon of Oreforthe. And trewely
the first two Hugh Cardinal ⁊ Raufe Fla-
uiacense/ expoundinge the. xviij. chaptre of
the Leuiticall/ shewe howe that chaptre
dothe hange with the thinges/ that go be-
fore. Many mysticall thinges, say they, bi-
therto the lawe hath gyuen to the olde
people of the Iues to obserue and kepe/
wherin onely was a shadowe of our faith
and maners/ ⁊ not the very truth in dede:
and as for here the lawe instructeth and
teacheth the people, and gyueth them mo
preceptes, wherby they may knowe what
belongeth to good maners, to vertue, and
honestie. For those thynges, that folowe
here, must be euen so vnderstanden/ as they
be spoken, wherwith the people / whiche
had nowe betaken them selfe to an other
lorde and maister, is informed and taught/
to the intent / that they for theyr lyttell
power / shulde endeuer them selfe to do
some good/ nor shulde not be content with
the heuye bourdon of bondage/ and to be
vnderneath sacremētes, or signes and tokēs
of sacre ⁊ holy thinges/ the whiche shulde

J

signi-

The fourthe

signifie and betoken iustyce and goodnes, not in them selfe, but in other men. Euen lyke wyse as if a Currouer or poste shulde carye any kynges letters into farre countreis, by the whiche he shal shewe other, what they shall do, and yet he shal not do the same him selfe. And this same Flauiacense a litell after, saith thus. Al though, saith he, that these mariages here forbydden in forne yeres at the begynnyng of the worlde had a certaine facion of their holines/neuertheles bicause in procelle of time the vertue of continence and chastitie, and refraynyng of bodily luste and pleasure was to be promoted, set forwarde, and increased/and the licence and lybertie of marriage to be restrayned more straytely, and not so at large as it was wonte: this Leuiticall lawe was made to forbyd suche maryages betwene them that be nygh of kyn and of affinite/for the encrease of honestie and vertue, bicause that it was more comly to absteyne from suche maryages. And who so euer after this goddes forbod/presume to enterpryse any such marriage, he is a transgressor of the lawe/and doth ron in to the abhominable crime & syn of incest.

Further.

Forther more Rupert also, If thou askest, sayth he, whiche be those vncleanly beastes, spoken of in the olde testament/ that god doth hate, they be these, you shall not do after the custome and maner of the londe of Egypt/ where as you haue dwelled / nor after the custome and vsage of the countrey of Chanaan, into the whiche I shall brynge you. And afterwarde he sheweth their customes, saynge: No man come nygh to her/ that is next of his bloudde. For these verely be the vnclely beastes/ these be the caroginous and stynkinge beastes, whiche the people of god is bounde not to eate / that is / not to admytte them in to their company. For all those persones, that do such thynges/ that commit suche vnclely and vnreasonable & beastly vices, that discouer the foulness or preuities of their mother, or father, that discouer the shame of their syster, other by the fathers syde, or by the mothers syde/ those men I saye/ that do these thynges, and in any maner of meane discouer the foulness of their kynsfolke, and do vncouer the foulness or priuities of a womā, that hath the floures: that haue a do with
 J.ij. their

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their neighbours wyfe/ that gyue of their
seede vnto the image of Moloch / and do
translate it vnto hym by fyre : these, and al
suche other workers of wickednes, be de-
fyled and vncleane, ynto whom nothing is
cleane. For these thynges/ accordynge to
the true sayenge of the gospell/ do defyle
and pollute the mā. For that, that cometh
into the mouth/as meate and drinke/doth
not defyle or pollute a man. And we waste
no time in these forbiddinges, that be here
reberfed/ to serche out the depenes & pro-
foundnes of mysticall meaninges or vnder
standynges of these wordes . for they be
plainly iuste and rightwise: and the reason
why they be so/ is open and playn at euery
mans eie/ and easye to se/ by cause they do
bryng great rest and quietnes of conscience
to the herers / but rather I shulde haue
said/ to the doers and the folowers.

More ouer Hugh of saint Victore saith
thus. The fyrst tyme, whan god dyd make
marriage, he dyd forbydde vs onely to con-
tracte matrimonie with .ij. persons, that is
the father and the mother . afterwarde
whan he ordained marriage/ the secōde time/
whiche was done by the lawe, he dyd ex-
cepte

cepte certayne other persons/both bicause nature shewed vs / that it was comely so to be/ & also for the increase of shamefacidnes and chastite. Therfore I thynke/ that excepte these foresayde mariages/ where in nedeth regarde of shamefacidnes and chastite to be had, bicause of the horriblenes and foulness of the same: that in al o^rther if any man by ignorance & vnwittingly by chaunce offende in any woman/ as longe as he doth not knowe it, no man can denie, but bit shall be called a lefull marriage, if that it be lefully done after the determination of the churche: so that I excepte euermore all suche maryages, in the whiche we muste nedes haue regarde of shamefacidnes and chastite. Therfore let no man obiecte vnto me the mariages betwene bretherne and systerne, or any suche other, with whom if any persone do mary ignorantly and vnwittingly/ this ignorāce can not excuse them, in that thyng that they do. These be horrible and terrible, and no reasonable nor excusable dedes/ in the which though there be any thing done by ignorance, yet for all that shamefastnes and chastite is disteyned and losse.

J. iij.

Besyde

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CBeſyde all this ſaynte Hildebart, ſometyme the byſſhoppe Lenomanenſe / in a certayne epiſtle to the Archebiſſhoppe of Roan wryteth vnder this maner. As your letter ſheweth, waters doughter of Medu an/whiche is maryed to the coūtie of Moriton, men ſaye that ſhe is very nygh of bloudde vnto him, and beſore that the forſayde perſones were maryed to gethers, water ſecretely came and tolde me of the kynred betwene them/and craſtly did aſke me counſayle / what I thought in it. We thought it very good, he ſayde / if loue and charite, that ſhulde come by this mariage myght ceaſe the warre, that the Erle had cruelly made agaynſte him of longe contynuaunce. We ſayd more ouer/that you and other prelates of your prouince/had a certayned him by wrytynge / that this abhominacion of kynred myght be ſuffred / for this entent, that he, the Erle, whiche had ben longe at warre myghte come to peace and quietnes / wherevpon he deſyred alſo the conſent of our church Lenomanenſe/ vnto the mariage that was then to come, that by the auctorite of that church alſo/ he mighte ſtablyſſhe and make ſure his doughters

boughters mariage / if that at any tyme it shulde fortune a diuorſe to be ſued agaynſt her: but he could in no meanis make me to agre to it, nor I coulde in no wiſe perfectly beleue, that your wiſdome had fallen into the ſymplenes or vndiſcretenes of them, whom the apoſtoll dothe rebuke / by cauſe they ſey / Let vs do noughtly, that therof may come good. And therefore, as for my parte / I was ware and circumspecte. We requyred my conſente: and I ſente hym worde / that I wolde neuer agree vnto it, nor wolde not ſuffre / for regarde or conſyderation of any cauſe of dyſpenſation that coulde be, perſons of kynred or affinitie to contracte vnefull and forbidden maryage. And it ſhalbe longe to his cure and charge into whoſe pariſſ he or diocēſe it is knowē, that this woman is departed / to withſtōd and be agaynſt this mariage / euen vntyll it be diuorſed.

C Agayne the ſame Hildebart was ones aſked of the biſſhoppe Sagiēſe / and of an other certayne Archidiacon / if two were ſpouſyd and bande faſte to gether, and the one of them dyed, whether the perſone a liue may enter matrimony with the ſyſter

The fourthe

or brother of the deade? he answered on this wise: If credēce be to be giuē to mē of auctorite/mariage is made by consent, not by myngyng of bodies. wherfore saynte Ambrose sayth/ She that is despoused/or hath made promyse vnto the man / hath taken the name of a yoked or maryed woman. For assone as she doth yoke her selfe by promyse vnto the man / and be to her agayne: then this promys of bothe sydes taketh the name of yokinge or maryage, not whan the mā knoweth her, by hauinge to do with her. For it is not the takynge a weye of the floure or beutie of the womā's virginite, that maketh the yocke, but the bargayne, agreement, & cōsent to be yoked. For whan the womā is yoked by her promise or is handfast, then is the yokynge or mariage, not when the man dothe knowe her by hauynge to do with her. **C** Furthermore Isodore writeth: They be called more truely yoked to gether / for the fyrste sayth and promise of spousage, all though they be ignorant of medlynge to gether. **C** Also Nicolas writing to the biss hoppe Wigmore. The onely consent, sayth he, betwene them/ of whose mariage thou doubtest

test is sufficient by the lawe. The whiche consent alonely if it lacke in mariage/ than all that euer is done besydes forthe, is of none effecte, yea though they haue had to do to gether / as John Chrysostome/ the great doctour/ doth witnesse, whiche saith, VVIL, maketh mariage/ & not medlynge to gether. And therfore it is written in the Ciuill law in the boke of the constitutions. If a man vpon affection and mynde to marrye leade a woman home to his house before there be any wrytynges made of the dowery/ that he shall haue with her, lette hym not be so bolde to diuorise her frome hym/ tylle he hath shewed a lausfull cause of diuorise. These thynges, sayth Wyldebert/ if thou had diligently considered/ sooth this mayden shulde not haue entred maryage with that man, vnto whose brother she was coupled before by solenne mariage, and was ioyned vnto him by consent, all though dethe, not loked for, dyd lette the secrecis of mariage. For who so euer do contracte suche matrymonie/ in no case can be suffred by any dispensation/ but must be punished by the rule of iustice and right. And of suche mariages as these be,

I.v.

thou

The fourthe

thou shalt fynde in the counsayle Tribu-
riense. A man was handfast to a woman,
with whom he coulede not haue the secre-
tes of maryage : that same woman / his
brother dyd priuely defyle and gette with
childe. It was decreed & determined / that
how be it she coulede not be married to the
brother, that was her lesful bus bande / yet
for al that the other brother, that had got
her with childe, can not haue her / bicause
she had made promyse before to his bro-
der: but both he & she / that haue comitted
adultery / let them haue the punysshement
of their fornication / and let them not be de-
nied to vse lausful mariage / the man to ma-
ry lausfully to whom he wyll / and the wo-
man also. For our fore fathers / by cause
that maryage shulde be done with hone-
stie / and the mariage bedde without spotte
and yncleannes, they haue very diligently
prouyded here before / that a woman / whi-
che had made promyse, and was spoused
vnto the one broder / coulede not be married
to the other broder : and he that was con-
federate, or be trouthed, to one sister / shuld
not mary the tother sister. For by suche li-
bertie and licence through the crasse & dis-
ceyte

teite of the deuyl/there might come many
vnbonest & beastly or incestuous mariages/
whiche be ceased/al the while that the for
biddinge of the lawe is obserued.

¶ And to the selfe same purpose, saint Iuo
sometyme bisskop Carnotense, wrote vnto
Lefiarde bisskop Swessionense, you know
wel inough, saith he, that I neuer allowed
the maryage betwene Peter / the sonne of
Geruase/ and of Valeranes doughter of
Brutule/ and that I neuer gaue counsaile/
nor dyd neuer consente/ that it shulde be
done. yea whan that Valeran, the maides
father counsayled me in this matter/ I gaue
hym counsaile, by Drogon clerke/ vtterly
to the contrary, that it shuld in no wise be
done, bycause that suche mariages might
not stande / if there were any / that wolde
breake it. I added also the sayinge of the
lawe, that one mā can not be married to. ij.
sisters, likewise as one woman can not lau-
fully be married to. ij. brothers. For Sine-
gund the sister of this maiden/whom this
forsayd Peter hath nowe married, was the
same selfe Peters wyfe, not only made sure
and bandfastte vnto hym by promysse/ but
also yoked and conioyned by the pcestes
beneson

The fourthe

beneson and prayer. And if you lay against me/that ther was no yoking or mariages/ where it is well knowen, there folowed no carnall medlinge betwene the man and the woman: I answere by the auctorite of the fathers, that the yocke and maryage can neuer be vndone / seinge there was ones a stedfast conuenant & promysse of yoking or mariage betwene them. wherfore, as saint Augustine sayth, the aungell sayde true to good Ioseph: Feare not to take Marye thy wyfe to the. for he dyd truely calle her Iosephs wyfe, whom he had not knowen by secreseye of maryage / nor neuer shulde knowe. And whan he had brought many auctorities of the fathers/to this purpose, the whiche were cited before of Vildebarte, It is, sayth he, a canonicall lawe, that no man can marie that woman, whiche hath made promysse of mariage to an other man. Nor contrarie/if the man that hath made promysse, wolde be maryed to an other woman. For bothe the lawes of god and man forbydde these promyssees to be broken. ¶ This same saynte Iuo also writeth to Odon, the archidiacon. Euen from the begynnyng of the worlde, sayde he

he, the sacrament of maryage remayneth
styll as of the lawe of Nature/ and in no
poynt broken nor changed/ so that nother
original sinne, or Adams trespas toke that
away/ nor the iudgement of brownyng the
worlde/ wherby synnes and naughty thin-
ges were wasshed away/ dyd take away or
chaunge maryage. Therfore that thyng
that is ordyned by the comaundement of
god/ & that god wold haue to be ynchaun-
geable/ ought not be broken by no mannes
commaundement/ except the mariage were
made without consent of the parties/ or els
dampnable of it selfe, that is: falsely forged
and vntrue/ or els incestuouse and agaynste
Nature and kynde. That if any of those
thinges do chance/ there must be no delay/
but suche mariages muste be healed out of
bande by departing and diuorse. Therfore
though the kyng do promisse, that he wyll
forgyue many displeasures/ done vnto hym,
and leaue many displeasures/ that be inté-
ded, and that he woll do many good thin-
ges and many plesures, if he may kepe still
for a tyme this woman / whiche he vnlau-
fully hath/ and the seate apostolyke to be
cotent withal, and he to be styl in the com-
pany

The fourthe

pany of christian men: yet for all that I say and aunswere vnto you thus / by the auctorite of god and diuine scripture, that it is not possible for him to haue forgiveness of his synne / gyue he neuer so moche / or do he neuer so many good dedes in recompence, as long as he hath wyll and minde to abyde in the same synne, acordynge to the sayinge of the appostel: There is none hoste, sacrifice / nor amendes / nor forgiveness / for the synne of them, that synne wylfully. whiche in other wordes is as moche to say / that no persone / hauynge wyll and mynde to contynue in his synne / can haue forgiveness of his synne by any maner of almes / or by any maner of good dedes, or by any maner of offrynge, or bestowyng of his goodes. wherfore we rede that our lord also did answer Cain / whā he offred vp his goodes, and for all that did intende murder: yf thou, sayde god, doste offer a ryght, and doste not diuide a ryght, thou hast synned / Lease & leaue of it as though he had sayd, thou dost synne / because thou dost not departe & diuide wel / which dost bring me thy goodes, & thiking vpon murder / dost take frō me thyne owne selfe

selfe which art better to me thā thi goody.
¶ Her fore also that good Pope Gelasius
saythe. It is not redde, syns Christes re-
lygion began, nor there can none example
begeuen in the church of god, that this
thing was euer done or euer cōmaunded
to be done, other of any byss hoppers, or by
the apostels them selfe, or els by our lorde
& sauour him selfe: that any man shulde
be assoiled frō his syn, that intended to cō-
tynue in the same, & dyd not fully purpose
for euer to forsake & vtterly to renounce/
bothe that & al other synne, or thinge that
shuld displese god. **¶** More ouer the same
saint Iuo did write vnto Hēry kyng of En-
glād, that wolde haue married his dought-
er to one Dugh, a kinsmā of his, answerig
i this wise. Bicause it is not comeli, that so
noble bloud shuld be steined with so opē i-
cest, & that the wyl & minde of carnal psons
shuld thorow this bestly exāple be encora-
gid to cōmit like incest & mariage again na-
ture & kinde: for the reuerēce, that we haue
vnto you, & true loue, that we bere you, we
desire to admonish your maieste before/
that while you may do it with your hone-
stie, you suffre no such mariage to be made:
lest

The fourthe

leste that suche mariage / seinge it is presumed to be agaynste the lawe, be worthily and of right broken and yndone agayn by the lawe. And doubtles it becommeth not a kynges maieste to comit any suche faulte in his owne persone / the whiche ought to be punysshed in other with the rygor and extremite of the lawe. For sothe we can in no case swarue from the course and ordre of the lawe. If we se our parisschon / or one of our diocese comitte any abhominacion / specially in mariage / bycause of the decree of the seate apostolike: VVE reserue no maner of forgyuenes / no maner of pardon or dispensation for incest mariages / & suche as be against nature and kynde, vntil they haue healed their adultery by departyng and diuorce. For seynge that we do reuerence and feare the power of temporal kinges: moche more we are bounde to reuerence and dred the almighty power of the euer lastyng kyng. And by this meanes we may gyue Cesar / that is Cesars, & god that is goddis.

And the same saynt Iuo answered one Gessrey the crle Vindocinense / desyzyng to haue to wyfe Watyldy vycountesse of Blois

Blois/whiche was maryed before to one Robert/ kynsman to the sayde Gessfrey: J cōmaunde, sayth he, and by the lawe of Chryste J forbid the to contract this bestly vnkinde or vncbast mariages/ which thou canst nother defende by the law/ nor yet be gette by them lausfull heyres, that by the lawe can succede the.

¶ And he agayne wryteth to Damberte/ the Archebysshop of Senon/ of a knight/ whiche before lausfull maryage with his wyse/ laye with her syster, and dyd confesse his faute openly / wherevpon saynt Juos wordes be these. J answere vnto your fatherheed/ that thinge, whiche you knowe well inough/ that if he had brought vp an opē infamy and sklander/ and that against an honeste persone/ that hath deserued no suche thing/ hereafter he can nother accuse nor yet be wytnesse. But bycause no man; that is guilty; can make no confession, except it be of some naughtie thyng / we can not denye, but we oughte to receyue and take suche confessions, as they that be penitent or soye for that they haue myssedone, do make against their owne selfe/ for the feare and drede of god/ and for the helth of their

K

owne

The fourthe

owne soules. nor we deny not also, but that we ought to iioyne them lausful penace/the whiche if we shulde deny them/we shuld caste them euen to the mouthe of the inuisible wolues to be deuoured. And if we suffre suche accusors of them selfe lyghtly to passe/ and to skape withoute punysshement, the goodnesse and honestie of marriage/ whiche frome the begynnyng was comaunded to be kepte holyly / bothe by nature, and also by lawe, we putte it perilously in daunger to be steined and dystroyed. Bicause therfore that the ende of all stryfe and controuersie / that belongeth to the determination of the Church, is an Othe, after the sayenge of the apostel/ this confession muste be confirmed / and proued by seuerall othes of euery person, and by vi. sufficient and honest persones: the whiche either were present, & knewe the thinge done, or elles maye by prose of that / that they beleue and thynke lykely/ affirme and vpholde the trouthe. Bycause that newe kyndes of diseases compelle vs to seke experience of newe medicines. Therfore whā this confession shall be thus confyrmedde and prouedde / than it shall be open and playne

playne, that this mariage is vncbaste, and vnkynde. And we reserue no maner of forgiveness for vncbaste mariages / after the canons, vntyll they haue healed suche synfull mariages by departinge and diuorse. And be that did contrarie to the lawes of matrimony, and did accuse hym selfe, lette hym abide vnmariied, either for euermore, or at the least til the time that he hath fulfilled his penace. This alweys vnderstand, that the woman, whiche shal be diuorsed from hym, lese not her dower, whiche is the price of her chastite. And by this meanes we shal do al, that his confession requirith: and shal make a profitable and a sufficient prouision for the honestie of mariages for the tyme to come.

Finally walter of Lconstance, Archidiacon of Oxforthe, wrote vnto the bysshop of Exceter worde for worde, as here after folowethe. Seinge that bothe great learninge, and also vse and experience of matters, hath made you wise and circumspect in iugement and decilion of causes, we maruayle, & other also, whiche be very wel learned in both the lawes maruayle / wherfore you haue so longe time differred to make a

R.ii. diuorse

The fourthe

diuorce betwene Roberte and Jsmen his
kynswoman, specially seing that you haue
expresse cōmandement of the Pope for the
same, and seyng that holy Canons do re-
pute and compte it for a damnable and ab-
hominable synne/ to suffre suche persones
to dwelle to gether. Trewely there were
brought forth lausfull wytnesse, and suche
as no exception/ nor refuse or chalenge can
be layde agaynste them: whiche if they
haue not made full prose vnto you in this
matter / than (as well accordyng to the
clause of the Popes letters / where as he
saythe, you may proue the matter by ma-
ny other/as also by auctoritie of Fabian
and Celestine/and other holy fathers) you
muste admytte them, whiche after these
foresayde men, be moste nigh vnto you/and
of moste sage counsaile/that suche diligent
inquisition and serchyng out of the truth
may be a lanterne to your seate, that you
may tourne iustice into iugement. For the
more abhominable and beastly synne that
incest is, so moche the more scrupulouse &
curious you must be / to fynde out the cer-
teinte of this kynrede: so that in makynge
the diuorce, the iuges sentēce do not wauer

or hange boutfull. It is not lesul for a iuge
in this matter to dissemble or to vse any
cloke or colour/ and to make as he dyd not
knowe that thing, that he knoweth in such
a matter / wherin stonde the the perylle of
mens soules. Moze ouer there is one thing
in this matter/ that troubleth vs aboue al.
For wber as the said Robert is myn eldest
brothers eldest son/ and bicause that al the
progenie of our stocke dothe hange vpon
hym, as of the heed/ by reason of his fa-
ther : we seare leaste this synne of inceste or
ynchaste mariage shulde passe from hym
into his posterite/ and to al that euer shuld
come of hym. For all the bolle succession
and generation shall receyue and take cor-
ruption and infection/ if the membres come
not lausfully and without corruption from
the heed : if the riuers come not pure from
the spryng/ and the braunches without cor-
ruption from the body of the tree/ as holy
scripture also dothe witnes, sayinge : The
childerne of inceste persones be abhominable
before god. And as saynte Bregorye
dothe playnly saye, There cometh no lau-
full nor good issue of ynchast or inceste and
ynkynde medlinge to getheer.

K. iij.

Nowe

The fourth

Nowe for to come also to the scole doctours / whiche do vpholde and mainteine bothe with great nombre / & great consent / this iugement of these forsaide fathers, vpon the Leuiticall prohibitiōs. Forsothe saint Thomas saith. In cōuersacion of persons, that be of kynrede or of affinite, we fynde that ther shuld be no venereous medlyng, for.iii.resons. And first bicause that naturally a mā oweth a certayne honor & reuerence / & feare to his parentes, and therfore also vnto other of his kyn, which come very nigh of the same parentes. In so moche that in olde tyme, as Valerius Maximus sheweth, hit was not leful for the sonne to baath in one place with his fader / lest they shuld se eche other naked. And it is manifest, that in venereous dedis / there is a certaine foule vse of medling and homelynes / whiche is cōtrarie to honour & reuerence. wherfore men do bluss be & be assbamed of suche dedes. And therfore it is yncomely, that there shulde be any suche wantonne medlynge betwene suche persones. And this reason semethe to be expressed in the xviij. chapitre of the Leuiticall / where it is sayde: She is thy mother / thou shalt not

not vinouer her foulenes or priueties. And the same selfe thynge is sayde there also afterwarde on other persones. The seconde reason is, by cause persones that be of one bloudde/muste nedes be conuersant and in company to gether. wherfore if suche persons shulde not be forbidden to vse suche wanton pastimes/one with an other/men shuld haue to moche oportunitie and occasion to vse suche lustful intermedlyng. And so the stomakes of men shulde be out of courage, and their hartes cowardelike, and as it were womans hartes, by the meanes of lechery and beastly pleasure of the bodye. And therfore in the olde Leuitical lawe, those persones seme specially to be forbydden maryage, whiche muste nedes dwell to gether. The thyrde reason is/bi cause that by suche mariages/shulde be lettedde the multiplyenge and increace of frendshipp. For whan a man dothe take a wyfe/that is a straunger to hym/all the kynsfolke of his wyfe be knytte vnto hym by certayne frendshyppe and loue/as if they were his owne kynsfolke. wherfore Augustin sayth, There was very great regarde taken of loue and charite/and that

The fourthe

accordynge to ryght and reason, to the intent that men, vnto whom loue and con-
corde is bothe profitable and also honeste,
shulde be knytte to gether by sondry de-
grees of kynred. And that one man shulde
not haue many, but sondry to be disseue-
red in sondry persones. And Aristotell, an
heathen man, in the.ij. boke of the politia-
kes, putteth to, the.iiij. reason/bicause that
where a man doth loue his kinswoman by
Nature, if there shulde be put to the loue
that cometh of bodely medlynge, there
shuld be to moche beate and feruentnes of
loue, and to great a prouocation of flesshly
luste, whiche is contrary to the chastite of
marriage, where suche pastime is to be vsed
for necessitie, and not for pleasure. Thus
sayth saint Thomas here. And in an other
place he sayth thus, That thyng in mari-
age, is cleane contrarye to the lawe of na-
ture, wherby matrimony cometh not vnto
the ende, whiche it was ordyned for, by co-
uenient meanes. And the chiefe and fyrste
ende of marriage of it selfe, is the good or
benysite of issue, the whiche doubtles by
some certayne degrees of kynrede is lette,
as betwene the father and the doughter,
the

the mother and the sonne, not bicause that
issue here is vtterly taken a waye, (for the
doughter maye haue issue of her fathers
sede, and nouryss be it vp with the father/
and teache and instructe it, in the whiche
thyng stondeth the benifite of issue) but by
cause that this ende of mariage, that is to
haue issue & childre, can not be brought to
passe in this case by any lesfull & honest ma-
ner. For it is ageynst all good ordre & rea-
son, that the doughter shuld be coupled bi
mariage with her owne fader, to be his com-
panion to bringe hym forth the children, & to
brynge them vp, seinge that she ought to
be subiecte to her father in all thynges, as
that dothe come of hym, and hath her be-
inge of hym, and therfore by the lawe of
nature bit is forbydden, that any persone
shulde marie father or mother, & yet more
with the mother, than with the father, by
cause that bit is more contrarie to the ho-
nour and reuerence that is due vnto the pa-
rentes, if the sonne take his moder to wife,
than if the father shuld take his doughter
to his wyfe, bicause that the wife is boude
by the comandement of god, to be subiecte
and obedient vnto her husbände.

R. y. pressyng

The fourthe

But the seconde ende of mariage is repressyng and quenchinge of bodely luste, and concupiscence/ whiche restraint of carnall luste/ though it be not the fyrst & chiefe ende of mariage/ but the seconde/ yet of it selfe it is an ende of mariage. And this ende also shulde perysshe and be losse/ if a man myght marye whiche of his kynswomen he wolde. For there shulde be opened a great wycket vnto lustes of the bodye/ except there were some restraint/ and fleschly medling forbidden amonge those persons, whiche muste nedes be conuersaunt to gether in one house. And therfore the lawe of god hath not only forbyddē mariage with the father and the mother, but also with other persons/ that be of our kynred, whiche muste nedes company to gethers/ and are bounde to conserue/ the one the others chastite and honestie. And the lawe of god doth assygne this cause/ sayenge: Unbeale not the foulenes of suche & suche persones/ bicause it is foulenes. But an other ende of matrimony not properly and of it selfe, but ioyned vnto it/ is byndyng and knyttynge to gether of men, and multiplyenge and increasse of frendshyppe, loue, and charitie, whyle

while a man is in lyke maner to his wynges kynsfolke/as he is to his owne kynsfolke. therfore this increase of loue and charite shulde wrongfully take harme/if any man shulde mary her/that is knytte vnto hym all redy by bloudde. For by this mariage there shulde be none increasse of any newe frendes hip loue and charite. And therfore by the lawes of man/ and also by the estatutes of the church/there be many degrees/ in the whiche folke are forbidden to mary.

¶ Ande saynt Thomas sayth in an other place on this wyse. Accordynge to dyuers tymes it is founde, that kynrede hath lette mariage in diuers degrees. for in the beginninge of mankynde father & mother were onely forbydden to marye with, by cause there were fewe men/ and of necessite men were boūde to do al their labour & diligēce that they coulde / for the increase of mankinde. & therfore there were no more psons to be except, but those/whiche were not fit to be married withal, & I say fit, as concerning the principal ende & cause of mariage, which is the good or benifit to haue issue & childre, as I said before. But afterwardes/ when mankinde was increased and multiplied,

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plied/there were many mo persons excepte by Moses lawe/whiche began euin at that time to restrayne and refrayne mans concupiscence & luste . wherfore (as sayth Rabbi Moses) al those persones be excepte from mariage/whiche be wonte to dwelle to gether in one house. For seinge it must nedes be, that they/whiche come of one parêtes, or of one father and mother, bothe men & women indifferently, company to gether of lōge tyme in one house, plainly they shuld haue great prouocaciō & stirringe to fleshy luste/if it were not forbidden, that there shulde be no suche medley betwene those persons. And now, whan that they thinke sureli and beleue, that therē can in no meanes mariage be contracte & made betwene them lausfully, streight wayes that filthie luste and plesure is quenched & ceased/nor doth not prouoke nor stirre their myndes any longer/to desyre tho thynges, that be vnpossible, & can not be done. wherby they instructe and taught to tame and refrayne their fylthy desire, as it were by a certayne former exercise & practyse, and assayenge of them selfe : no doubt but by this custome they shal the better absteyne afterwarde from

from other women. for (as saynt Augustin saythe) custome to a thyng maye do very moche / either to prouoke mans appetite / and to make him haue a lust or desire to it, or to turne away his appetite from it, and to make hym to abhorre it. And therfore seinge that custome doth kepe in & restrayn our ynmoderate luste and concupiscence in this matter : men do well to iudge / that it is a shamfull thyng to breke and corrupt it. For if hit be ageynst right, for desire of possession, to passe or breake the buttels of londes : howe moche more vnrightfull is it, for the lustnes of bodely plesure, to passe or breake the buttayles of good maners & customes? **C** Furthermore saint Thomas sayth agayne / in an other place. Affinite, that is betwene persones before mariage, doth let the mariage / that is to be contracted, and dothe breke the mariage / that is contracted al redy / euen like wyse as dothe consanguinitie. **C** And in an other place. Infidels or vnsaythfuls, that be not baptised / be not bound to the lawes of the churche / but yet they be bound to the ordinance of the lawe of god. And therfore if any infidels shulde cōtracte within the degrees
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forbydden in the .xviiij. chaptre of the Leuiticall/ contrary to the lawe of god, whether both .ii. or one of them be conuerted to the feythe/ they may not byde styll to gether in suche maryage. but if they haue contracte with in the degrees prohibite by the ordinaunce of the churche, they may abyde styll to gether / if bothe of them be conuerted and tourned to the faithe : or if the one be tourned/ and there is hope, that the other also wyll be conuerted.

More ouer and beside all these thinges, the same saint Thomas/ where as he goth aboute to shewe what is the Popes auctoritie / and what thynges be in the Popes power / & what thinges be not : The Pope, saithe he, hath full power in the churche/ that is to be vnderstanden, that the Pope may dispense with all maner of thynges/ that be institute & ordeined by the church, or by the prelates of the churche, for these be tho thynges, whiche are saide to be of the lawe of man, or of the lawe positue, which be no suche maters/ that they binde of them selfe/ but only by cause they be commaunded. But in suche ordinaunces, whiche be of the lawe of god / or of the lawe of

of nature / the Pope hath no power to dispense : bicause these lawes haue strengthe and vertue by the ordinaunce of god / and they be vpon suche matters / that be necessarie of their owne selues vnto the helthe of mannes soule. And vnder this maner these lawes muste be obseruid and kepte in all cases / and euery man is bounde to kepe them without dispensation. For lyke wyse as in the comune lawe of man, no man can dispense / but he / of whom the lawe hath auctorite & strength / & that is the maker of the lawe / or els he / to whō the maker of the lawe hath giuen suche power: so in the statutes of goddes lawe / whiche be of god / & haue their auctorite & strength of god, no man hath power to dispense / but only god, or he / vnto whō god hath specially gyuen suche power & auctorite. For euery mā, of what so euer auctorite or power he be / is in cōparison to the lawe of god / euen as a priuate pson, hauig no power nor auctorite / is in cōparison to a comun lawe of the people. Nowe the lawe of god is what so euer belōgeth to the new lawe of the gospell, or els to the olde lawe of Moyses, but this is the differēce bitwen the two lawes, for the olde lawe

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lawe did appoynt & set fourthe many thinges/ and gaue many preceptis, about ceremonies and outwarde thinges, perteyning vnto the honour of god, and also diuerse preceptes of iugementes, that do serue for to kepe iustice amonge men: but the newe lawe of Christe/ and the law of the gospel, the whiche is the lawe of libertie and freedom, hath no suche determinations, appoyntmentes, or boundes / but is contented with preceptes & instructions of good manners of the lawe of nature/ and with the articles of the faythe, and with sacramentes of grace. And for this cause it is called the lawe of faythe/ & the lawe of grace/ because it dothe determine, whiche be the articles of the faithe, and what is the vertue of the sacramentes. As for al other thinges, whiche perteyne to the determinacion and certeyne orderinge of suites and iudgementes betwene man and man, ozels to the orderinge of the seruice of god: Christe/ the maker of the newe lawe, did leaue them frely to be determined & ordred by the prelates of the church/ and by the princes & kinges, that haue the reule of Christes people. wherfore all suche manner determinations
and

and ordinances do pertain to the lawe of man, wherin the pope hath power to dispense: but those thinges, that be onely of the law of nature, and in the articles of the sayth, and in the sacramentes of the newe lawe, he hath no power to dispense. for that shulde not be to haue power for to meynaine the truthe, but to haue power to destroye the truthe. ¶ And a littell after he sayth, that the apostel in his doctrine gaue instructions two maner of wayes. for some thinges he taught, not as his owne, but as publiſhing vnto them the lawe of god, as is this: If you be circumciſed, Chriſte ſhal helpe you nothinge at all/ and many ſuche other thinges: and in theſe the pope hath no power to diſpenſe. And certain thinges he teacheth, as makinge ordinances by his owne auctorite & power. For he ſaith: whā I come, I ſhal ſet an ordre vpon the other thinges. Alſo he commaunded, that the gatheringes of money for poore people ſhuld be done on one of their holy dayes, or dayes of reſte: the whiche pertaineth not to the lawe of god. And like wiſe alſo where he writeth, that he, which is bigam^o or twiſe married, ſhulde not be promoted to preſt-

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hod : that is not of the lawe of god / but an
ordinaunce by the auctorite of man / gyuen
vnto hym by god. ¶ And hytherto we
haue reberfedde the wordes of Thomas.
Nowe beside hym Altissiodorense saythe
thus. Euery persone is lafull to contracte
mariage with any other pson, by the lawe
of nature, a fewe excepte, as the father and
the doughter / the mother and the sonne:
whiche were except at the beginninge. And
excepte those persones also / whiche be ex-
cept by the Leuitical. For those preceptes/
that be there / be no iudiciall preceptes / but
moral / and perteing to vertue and good
maners. ye and we calle them morall pre-
ceptes, or rules of vertue, not of mans tea-
chyng, but euen of nature. And we saye
more ouer / that al preceptes of moralite na-
turall can not be chaunged, nor dispensed
withal, as touchinge the substance of ver-
tues. But by the lawe positieue / or the lawe
of man / matrimonie in tyines passed bath
ben forbidden, vnto the .vii. degree of con-
sanguinitie or kynrede : but nowe a dayes
onely vnto the .iiii. degree. ¶ Ageyn Pe-
ter of Palude resoninge, whether the pope
bath auctorite and power, for to releasse &
dispense

dispenſe with theſe Leuitical prohibiciōs. The pope, ſayth he, hath no power to diſpenſe in the fyrſt degree of affinite/ no more than he hath in the fyrſt degree of conſanguinitie : bycauſe that it is contrary to the lawe of Nature and of god alſo. For we do reuerence vnto our fathers wyues / as we do to our owne mothers. Maryage alſo is forbydden by the lawe of god betwene theſe perſones/whiche be in the firſt degree of conſanguinite or affinite/ not the one ſtreight aboute the tother/ but the one of ſide halfe to the tother; as brother & ſyſter. and therfore in this degree alſo the pope hath non auctorite to diſpēſe/ bicauſe that this diſpenſation alſo is ſome wiſe agaynſt nature. And therfore the loue and bonde, that is betwene ſuche perſons naturally/ doth not ſuffre vs to ſuſpect or ſurmyſe/ that there ſhulde be any heuy crime commytted betwene ſuche perſones. And for this men beleue, that euen before the lawes of Moſes, whā that mankind was ones encreaſed/ other before the fludde, or after, they dyd abſteyne from their owne ſyſters / and from their brothers wyues; but if it were to ſtirre vppe ſede to the bro-

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ther / that was deade, as it is manifeste in Thamar, and in Judas children. Nor it is notbinge ageynst this / that we say / that is writen of the wyues of Abraham ⁊ Isaac / whom their husbondes called systers / by cause doubtles they were of their bloudde or kinrede / euen like wise as Loth was called Abrahams brother, whiche was i dede Abrahams brother sonne, and not his brother. No more the Pope hath no power to dispense, that a man shulde marie the wife of his brother / although he died without children. For howe be it men were suffered to do thus in tyme passed: yet that was nat but by dispensation / yea and that dispensation was by the lawe of god, ⁊ not by no mā. For cōmunly by the lawe of god they did absteyne from their brothers wife / as from their owne sister: but it was suffered in that case. wherfore like wise as the Pope hath no power nor auctorite to dispense for a pluralite of wyues, al though it was suffered in tyme passed / bicause it was suffered by a certayne dispensation and priuilege granted by god, and was forbidden by the cōmun lawe: no more auctorite nor power hath the pope to dispense in the matter

ter/that we speke of/that a man may mary
the wife of his brother/ departed without
children/ for to stirre vp the sede to his bro-
ther: bicause that wher that thing was suf-
fred afore times, it was suffred only by dis-
pensation of god/ for a certayne tyme, lyke
as it was to haue many wyues, ⁊ was for-
bydden generally by the commune lawe.
Nor ageyn he can not dispense with them
that be in the seconde degree, the one a-
boue the tother: but on the syde halfe, as
to marie with the father or mothers sister,
for this is forbidden by the lawe of god.

¶ And with this dothe agre in this mat-
ter Antonine, archebiss hop of Florence/
Jhon de Turre cremata/ some tyme Car-
dinall of saynt Syxt. for Jhon partly vpo
the auctorite of Pope Innocent, and Pe-
ter of Palude/ and of Alexander de Hales,
⁊ partly of .iii. other foundations/ or resons
at the last/ after that he had cōfounded his
aduersaries sayenges and opinions, he cō-
cluded/ that al the degrees of consanguinite
and affinite, whiche be forbydden by the
lawe of god, procede and come by the sbe-
wyng and instruction of naturall reason,
and that therfore these preceptes were not

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taken away in the tyme of grace, that is to say, whan the lawe of grace/ and of the godspell began, and that the Pope can not dispense with them. And the selfe same John writeth / howe that Eugenius and Pius, beyng Popees and rulers of the church of Rome, when that the kynge some tyme of Fraunce and the Erle of Arminache did instantly desire the forsayde two Popees, that they wolde do them so moche pleasure, as to dispense with them/ that the Erle myght marye his naturall syster, and that the kynge might mary the syster of his wyse, that was departedde: these forsayde Popees did comitte these .ij. matters vnto the presidetes of the audiee of the Rote of the courte of Rome, amōge whom was this forsaide John of no small reputation / and to all the other great lerned men/whiche at that tyme chaunced to be at Rome/that this matter shulde be examined by their lernynge and discrecion/ that is to wit, whether it was lesfull for the Popees to dispense in these cases. And after that they had disputed longe tyme vpon this matter, and had taken as moche deliberation in it, as the thyng required, all those

those lerned and wyse men / with one consent and agrement / came to this poynte / gaue this sentence, and made answer on this maner / that the Popes had no power nor auctorite to dispense in these degrees. Their reason was this, bicause that these degrees were forbidden by the lawe of god. The whiche verdict and sentence was of so great auctorite and strengthe, that afterwards / when a certayne bisshop had forged a false bull / by the colour and pretense of the whiche the Erle was married vnto his owne sister: the bisshop was bothe deprived from his dignitie, & was condemned to perpetuall prisone. That if so be (quod Iohn) that euer any Pope had dispensed in these degrees, bycause that either he was ignorant in the scripture of god, or elles all to blynded with couetous of money / whiche customably he wonte to be offered for suche vnreasonable and shamfull dispensacions, contrary to all goddes lawe / and mans: or by cause he wolde please men rather then god: it foloweth not for all that / that he myght do it iustly and ryghtfully. For the churche of god muste be ruled by ryght and lawe, not by suche dedes or by

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examples of other mennes doinge.

CAgeyn Antonine sayth, that by the prohibitions of the law of god, many persons be forbidden/whiche be nigh ioyned to gether by bondes of nature. And they be. xiii. whiche are rekened vp in the .xviii. chapatre of the Leuiticall. **C**And a littell after he saythe, That onely god, or he that god hath inspired to this purpose/ may dispēse with any degree / that is forbidden by the lawe of nature/or the law of god. And the pope hath power to dispense in those thinges/that be of the lawe positieue/ & the lawe of man. **C**There folowe after these men James of Lausany, and Johñ of Tabi. For Johñ of Tabi, in his Sūme, sayth: There be certayne degrees forbydden by the lawe of nature/and the lawe of god/ and by the lawe of man also. Certayne by the lawe of god grounded secondarely on the lawe of nature, and on the law of man, the whiche be. xiii. And certayne degrees be forbidden onely by the lawe of man, that is to wit, al other persons beside forth vnto the fourth degree. Conclude therfore, sayth he, after the mynde of Peter Palude/whom foloweth in this matter the Archebysshoppe of Florence

Florence/ that the pope can not dispense in
the firste degree of affinitie / betwene these
persones/ that be streight the tone aboue ⁊
the tother be nethe/ no more than he can in
the same degree of consanguinite. For it is
ageynst the lawe of god founded and groun-
ded on the lawe of nature, and in the sacra-
ment of grace. And like wise al matrimony
is forbydden by the lawe of god, betwene
those persons, that be in the first degree of
consanguinite and affinite, not one right o-
uer the tother/ but sidelynge, and the tone
right ageynst the tother, as brotherne and
sisterne, whether they be by kynrede or by
affinite/ bicause that this ordinance pertaineth
to the sacrament of Chribtes saythe.
It is forbidden by the lawe of god/ ⁊ some
wayes it is contrarie to the lawe of nature/ that
a man shulde marie with his natural
sister, or with the wife of his naturall bro-
ther. For euen by the law of Moyses it was
not suffred, but vpon this cōsideracion, for
to bringe forth the issue to the dead: and this
thing was done by dispēsation of the law
of god/ euyn like wise as it was dispensed
with/ that a man might marie two sisters.
And like wise in the secōde degree of a pere

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sone, that is ouer vs side wise.

And thus also Asteran sayth / that the Pope can not dispense in the degrees / that be forbiddē by the law of god, in the. xviij. chapter of the Leuiticall: and yet in degrees forbidden bi the lawe of man he may. Agayne / he saith. If vnfaithfuls haue cōtracte in any degree forbidden by the lawe of nature, or by the lawe of god: the marriage betwene them is no marriage, nor yet neuer was. For all be bounde to obeye the lawe of god / and the lawe of Nature, be they faithfull or other. And therfore after that they be conuerted to the sayth / they muste be departed. But if they haue cōtracte in any degree, that is forbydden onely by the church / seinge that the lawes of the church made for christian men be not extended vnto the vnfaithfuls or bethens, that were neuer baptisid / the marriage that was contracte betwene them was lafull / and therfore after that they be conuerted vnto the faith, they ought not to be diuorced. And the same man saith furthermore, that if mankynde shulde fayle and decay, as hit dydde in the tyme of Noe: yet hit shulde not be lesfull for the brotherne, by
their

their owne auctoritie to mary their sisters,
bicause it is for biddé bi the law of god/ but
it might be lesul for them by the dispésatiō
of god. ¶ Beside all this Johñ Bacon/ an
engliss heman/ was in time passid clapped &
whistled out at Rome, bycause a while he
helde the cōtrari opinion, that is, that the
Pope might dispése with degrees/ forbiddé
bi the law of god. But at the last he know-
leged his errour, and sayd, that the Pope
had no power to dispense in the degrees
forbydden by the lawe of god/ in the. xviij.
chaptre of the Leuitical. And afterwarde,
whan he had asked this question/ whe-
ther we kepyng the Leuiticall lawe of the
Jues, be our selfe Jues also or no, in so do-
yng/ did make answere him selfe. That the
lawe of the gospell doth admyt the lawe
of nature. But naturall reason, dothe ab-
horre/ that a womā shuld be subiect vnto a
mā/ which is her kinsman in the first degre.
¶ Also walden/ widforde/ and Cotton, very
christian and catholic authoys/ reproue di-
uers other cursed heresies of wyclese/ and
that stoutely, and with great profette of
Christes church: & amonge al other they
do damme also this hereticall and more
than

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than phrenetical and madde opiniō, where
he did holde, as some wolde nowe a days,
that these Leuitical prohibitions be onely
iudicial preceptes/ and that it is ordained at
this tyme by man / without foundacion or
grounde/ that consanguinite betwene per-
sons of side halfe : yea and more ouer that
affinite in the first degree is an impediment
and let of mariage: and they do clerely and
plainly proue/ that those Leuitical forbod-
des, whiche there do prohibite to vncover
the foulnessse of our kynne or affinite, that
they be nat only no ceremones of the Iues/
as wicse wold/ but that eueri one of them
euin at this day, do bynde all christiā folke
by the lawe of god : and that by al right &
reason they ought to be nombred amonge
the moral preceptes of the .x. commaunde-
mentes. For walden sayth/ that the Leui-
tical lawes do binde vs as well as they did
the Iues, as concerninge the very substāce
& pithe of the lawe, but not as concerninge
the penalties put vnto them . For conside-
ringe the lawes in them selfe onely, they be
moral/ and of the preceptes of the .x. com-
mandemētes/ and that euin to so many de-
grees, as he rekened vp there, al thoubge
they

they be mere and vitterly iudiciall, as concerning the penaltie adioyned. This lawe from the first begynninge of Chriſtes faith, by all the fathers, that haue ben hitherto one after an other, was iuged to bynde, by cause it was the commaundement of god. And howe it is expired and vanyſſed away nowe at wicleſes cōmyng / that it ſhulde be no more of the makynge or ordinaunce of god, but the handy worke and ordināce of man: this thinge lette wicleſe and his ſcholars trie oute. Certaynly he dothe offende and breke the honeſtie and ſhameſa- cidnes naturall / who ſo euer diſcouerethe the priuey partes of his owne fleſhe and bloud / as it were the priueties of a ſtrange perſone. ¶ And the ſame opinion of wal- den Pope Martine the fyrſte did approue & confirme it / and that not without diſcre- cion & ſufficient deliberation. For fyrſt of al he toke it to the beſt lerned men he coulde fynde, that they ſhulde with all diligence they myght examin the ſayde opinion. and when it was examined / alowed, and com- mended by agrement of all them, to whom the examination of it was cōmytted: than the Pope, by his auctorite and power did
con-

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confirme it.

Cwith these men doth agre / amonge the diuines Peter of Tarantase / Durade / Stephan Brulifer, Richarde de Media villa, Guy Brianson / Gerson / Paule Rice / and al moſte all the ſchole doctours / whiche with one aſſent, do ſtedfaſtly holde / that Infydels or vnfaithfulles / al though they be not vnder neathe the lawes of the churche, yet they be bounde to kepe the lawe of nature, & of god. And therfore ſuche mariages, as they haue contract in any degre of conſanguinite / that is forbydden by the lawe of god / be no mariages: and that they muſte nedes be dyuoꝛſed. And they thinke that the contrary cuſtome of certayne barbarous & beſtly people do nothyng make to the contrary. For ſaye they, the heate and ſeruentnes of carnall luſte and concupiſcence / hath ouer caſte and blynded in them the preceptes and reules of the lawe of nature.

And amonge the gloſers and doctours of the lawe canon, Iohn Andre, and Iohn of Imola do gather and conclude, bothe by the wordes of the very text of the chapitre / Literas, and alſo by the wordes of the gloſes

gloses there / that the degrees witen in the
Leuitycall / be the same selfe degrees / in the
whiche Pope Innocent him selfe doth say,
that the Pope hath no power to dispense.
And they holde vtterly / that these wordes
THE POPE CAN NOT, be put there
in their owne propre signification / and that
this takynge and vnderstandynge / to say /
the Pope can not / and to vnderstande it /
for, he wil not / or that it is not expedient /
that this glosinge dothe destroye the texte.
¶ And mayster Abbate also doth holde
the same opiniō, sayeng / that the preceptes
Leuiticall be morall / and denyenge precep-
tes / whiche do bynde for euermore, that
is to say / at al tymes : and that the Pope
is neuer a boue this lawe of god . ye more
ouer that he is bounde to defende it / and
mainteine it with al that euer he can make
and do, and to leaue therfore / not onely all
his goodes and landes temporall, but also
his bloudde and his lyfe . And the same
Abbate sayth also in a nother place: I say,
sayth he, that the vry wordes of goddes
lawe muste be pondered and wayed : and
if this seconde degre be forbydden by the
lawe of god / doubtles the church can not
dispense

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dispenſe therein / and in lyke maner / ſeynge
that bi the very wordes of the law of god,
wayed and ponderd / the brother is forbid
by the lawe of god, to take his brothers
wyfe / it ſolowith / that the church can not
diſpenſe in that caſe / that a man ſhuld ma-
ry his brothers wyfe : The whiche thyng
ſayth he , is worthy to be noted in practi-
ſynge of the lawe / by cauſe of theſe great
princes / the whiche do many tymes deſire
diſpenſations of the Pope. And likewyſe /
ſayth the gloſe in the Chapter, Pitatium,
And Mathewe Nerew of ſaynte Gemin/
in his laſte queſtion / of his tree of conſan-
guinite and affinite, dothe alſo ſolowe the
ſame opinion, as the vniuerſall opinion of
all the doctours of Canon. And Vincent,
and Innocent, and Oſtieneſe, and Abbate
ſolow the ſame opinion. ¶ But here had
nede to be ſome meaſure in citynge and re-
kenynge vppe of Auctors / for this worke
ſhuld increaſe & growe to an infynit thing;
if we ſhulde reken vp here all the names
and ſayenges of all doctours, whiche with
hande and foote, do approue and ſolowe
this opinion of ours.

¶ And by the witneſſe & ſayenges of thoſe
auctors

auctors, that we haue cited, thou mayste well and sufficiently knowe and perceyue; gentyll indifferent reder, fyrst that in those persones / whiche the lawe of god dothe calle nyghest of bloudde / there can be no good and iuste cause or excuse / for the whiche it myght be suffred or dispensed with; that one of them shuld discover the foulenes of an other / nor there can not be alleged any thyng so honeste, that is able to couer the dishonestie of this thyng.

Seconde, that all suche foule medles dothe so desyle and corrupte vs, not onely outwardely / but also inwardely / and in our soule; euen after the trouthe and teachinge of the gospell, that we shall haue no reste or quietnes of conscience here / and afterwarde shall be sure to haue euerlastinge damnacion / excepte we forbear such mariages. Thyrde, that these mariages / whiche be made contrary to these Leviticall prohibitions, be so full of horrible abomination and foulenes, so openly contrarye vnto the actes and dedes of vertue morall, as be reuerence and honour to our parêtes and kynne / chastite / loue / and charite: yea and more ouer, they be playne agaynst

The fourthe

gaynst the endes and causes for the which matrimonye was ordyned / that they be not to be excused for none ignoraunce / nor to be suffered , wolde a man gyue neuer so moche/or do neuer so many good dedes in recompence : nor that they be not to be let stonde for regarde of no maner of dispensation, no not though it were to make peace betwene great princes/ but that thei ought and muste be punysshed by the streyte ordre of iustice.

C Fynally that euery one of those prohibitions of mariages, whiche be commanded in the Leuitical/ be commaunded for a playne and a clere reason of iustice and honestie, that is in them/ and that is apparét, and euident at the eie without any mystical meanyng or vnderstandynge. ye and more ouer that it is vtterly a poynt of heresye/ to saye/ and holde that they be not but iudiciall ordinances of Moses, and that they be at this daye abiogate and taken awaye/ as wyclese did holde, and that they ought to be obserued and kepte with al reuerence amonge all christian people, as morall preceptes of natures teaching/ and that man in no case can dispense with them.

And

CAnd amonge al/ there is one thing, that I wold haue the/ gentyl indifferent reder/ specially to marke/ whiche dyuers of these holy & approued doctours do holde also/ that the brother can not marye a woman/ that is but onely handefaste vnto his brother/ & if he do/ the mariage can not stande by helpe of any dispensation, and that all suche mariages must nedes be vtterly broken, lest carnall persons shuld apply their mindes, and be encouraged by suche bestly examples to do likewise.

CAnd in this opinion both Lire him selfe is, whiche saith that Adonias, kinge Dauids sonne/ dyd synne, and dyd agaynst the helth of his owne soule, and contrarye to the lawe of god, written in the Leuiticall, and that therfore he had well deserued to be slayne of Salomon his brother/ beyng kyng/ bicause that he desyred to haue Abisac, one of the spouses of Dauid his father: and yet Dauid neuer touched her, but lefte her a cleane virgin.

CAgein that noble diuine Hugh of saynt Victore is also in the same opynyon. For all though, saythe he, that the woman, with whom it is knowen/ that the man

M.ij. had

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had no carnall medlinge/doth not pertaine
to that sacrament or holy misterie, whiche
Paule calleth a great sacrament/that is
betwene Christe and his church, or com-
pany or faithfull christian people/yet vere-
ly it perteyneth to an other sacrament or
holy misterie/the which is moche greater
that is betwene god & mannes soule. For
what? if it be a great misterie/that is in the
fleshe/is hit not as great a mystery/yea
and moche greater, that is in the spirite?
for the fleshe doth nothyng helpe, it is
the spite, that quickeneth and giueth life.
Therefore it is trewe mariage/and the very
sacrament of maryage, all though there
neuer folowed no fleschly a do/ye to speke
better/bothe the mariage & the sacrament
is so moche the trewer, and the holier, in
so moche as there is nothyng in it/ wherof
chastite shulde be ashamed/ but wherof
loue may reioyce and glory. For if god by
scripture be well called spouse of mannes
soule/ & the soule ageyn the spouse of god,
forsothe there is some thinge bytwene the
soule and god, wher of this thyng, that
stondeth in mariage betwene man and wo-
man, is the sacrament and image/and like
libode

libode and holy signe or token. And perauenture, for to speke more playnly in this matter, the very company, which is kepte outwardly in mariage, accordynge to the promys, that eche made to other, is the sacrament, and sygne or token. And the thinge selfe of this sacrament, is the loue of myndes of one to the other, whiche is kepte betwene them in this bonde of company, and leage of mariage. And agayne the same loue and fauour in their mindes, the tone to the tother, is the sacramēt and token of that loue and charite, by the which the god ioyneth him selfe vnto mans soule inwardly, by putting in to the soule, of his grace and by sendinge into the soule parte of his godly spirite, by the which the soule is made one spirite with god. Therefore the fleschly couplyng, which before the sinne of Adam, was in mariage an office or vertuous dede, and after the synne, it was graunted in the same maryage for a remedy: so bothe tymes it is put vnto mariage, but so that it is with mariage, but mariage hangeth not of it. For trewe mariage is before any fleschely medlynge, and mariage may be holy without any suche thing, it shulde

The fourth

doubtles not be so fructefull, if suche med-
linge were not, but mariage is moche clea-
ner, if no suche thyng be in it. For that af-
ter synne, flesshely medlynge is suffered in
maryage / it is rather of great sufferaunce
& compassion / lest the vice of concupiscence
and lustines / whiche after that synne was
roted in mans flessh / shulde contrary to
all honestie, and without measure / breke
forthe and flowe abroode in euery place
without any regarde, if there hadde ben
no certayne place prouyded by the lawe,
where hit maye be lausfullye receyued.
wherfore the verye true perfecte, and full
mariage / is the same company, conuersa-
tion, and lyuynge to gether / the whiche is
consecrate by the leage or bonde of spou-
sage or promysse, that one dothe make to
the tother, whan bothe of them by theyr
free and wyllinge promysse / do make them
selfe detters / the tone to the tother: and do
wyllingly bynde them selfe by conuenant,
that fro hence forthe the tone wyll neuer
depart from the tother to the company of
none other persone, while the tother is aliue /
nor that they wil neuer diuorce them selfe,
nor breake of from this companye / that
nowe

nowe is betwene them. And if so be it that
vnto this conuenant and agrement of con-
uersation and company to gether, there be
put to also in the first metynge a conuenant
and bargayne of carnall medlynge / than
the man and the woman be afterwarde
bounde / the one to the tother / of duetie to
this flesshely medling. And if perauenture
at the making of the mariage this carnall
couplynge be remytted on bothe parties /
by the vowe & consent or promysse of them
both, afterwarde they be no more detters
the one to the tother for this thyng. For
that thyng / whiche by equale consent and
agrement was remytted of bothe parties /
and confirmed by their vowe and promis-
it can not be iustely required afterwarde
of either of them, and yet for all that / the
sacrament of maryage stonde the euen in
this case stedfaste and sure / wherof the car-
nall couplynge is nother cause of the ver-
tue and goodnesse of it, whan it is there /
nor can not take away the vertue and per-
fectnes of mariage, if it be not there. And
therfore this onely consent and agrement
of their myndes is thoughte to vpholde
and contynewe this vnpartable conuersa-
tion

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tion and lyuyng to gether. And this consent was ordyned for this cause, that this company of the one with the tother / the whiche was begonne betwene them by this consent and agrement, shulde not be suffered to be broken at any tyme, as long as they were bothe alyue. ¶ So that now, reder, as thou hast seen by these two auctours, it is playne and open, that not onely the fyrste degree of consanguinitie and affinite / but also the fyrste degree / wherein maryage is forbydden, for a Justyce grounded onely vpon acertayne commune honestie and comelynes, is forbydden by the lawe of god / in the Leuiticall, and can not be dispensed withall by men.

¶ And that this thyng is very certayne and trewe / thou mayste take this for a good prose / that Alexander in tyme passed / the thyrde Pope of that name, hadde leauer to suffre Denry / a citizin of Napi, to be periured / than that he wolde take vpon hym the auctoritie to dispense with hym for his othe / by the whiche he hadde bounde hym selfe to marye a maydden to his yongeste sonne, whiche hadde bene made sure before to his eldest sonne / nowe beinge

beynge departed. For he answered the bysshoppe of Papi on this maner: By cause, saythe he, that it is wrytten in the Leuiticall, that the brother can not haue the brothers spouse, we commaunde the, that thou suffre not this fore sayde Henry to fulfyll his purpose/and that thou compelle hym by the ordre of the church to do penance for his vnleasfull othe.

Wherfore seynge that these thynges be thought trewe to so many and so discrete auctours/that it is not lausfull for a man to marye his brothers spouse: howe moche more vnlausfull oughte we to thynke this thyng, that a man shulde marie his brothers wydowe, with whome his brother hadde carnally a do, and that he shulde vncouer the priuities of her / whiche before is one flesshe with his brother / not onely by the bonde of mariage selfe, with the other brother / but also by reason of carnall commixion and medlynge with the same? And therfore doubtles every man ought greatly to approue and commende this determination of these vniuersities / whiche do holde and conclude / that to marye her, whom the brother, departed without

The fourthe

without children, hath leste, is so forbydden by the lawe of god, and also by the lawe of Nature, that the Pope hath none auctorite nor power to dispense with suche mariages, whether they be contracte all redye, or for to be contracte: excepte peraduenture there be any man, whiche hath a pleasure to calle agayne into lyghte / olde reprovoued errorrs and heresies, that of many yeres haue ben condemned.

The fyfte Chaptre.



Thus now we haue reberfed
and ſbewed before, faithfully
and truely/ what the ſacre bo
ly auctorite of the olde teſta
ment and the newe/ what the
uſe and cuſtome / conſente or agrement of
the hole chriſtian church, what the Po
pes/ what the doctours, interpreters and
declarers of holye ſcripture/ finally/ what
the aſſent of wiſe and wel lerned men/ both
in mans lawe and in goddis law/ do thinke
and iudge of theſe Leuitical prohibitions,
and ſpecially that a man ſhulde not mary
his brothers wyſe. And we doubt not/ but
that theſe auctorities and iudgementes be
of ſuche ſtrengthe/ that there is no reaſo
nable nor indifferent man, but they ought
ſo to ſatiſfie his iugement and conſcience,
that he ſhulde deſyre no further proues
vpon theſe concluſions of the vniuerſities,
and vpon this ſentence, that they haue de
termined and decreed: but that theſe fore
ſayde thynges be ſufficient and able to de
ſende them ytterly from all maner of ca
uillation. Howe be it for as moche as ther
be

The fourthe

be some, that loue well reasons, and there be many, and that stronge and inuincible reasons, the whiche maye seme to lyghten and declare this sentence of the vniuersities / and also greatlye to confirme and proue the same : the nexte thyng that we must do nowe / is to vse the helpe of them also in this matter / and to bringe forth & shewe some of them, as we toke vpon vs and promysed before to do. All the doubte and question of this our matter is dissolued and vndone, rather by definitions and by shewynge playnly / what euery thyng is, than by argumentes and reasons. For this question is growen and spronge vp, by the error and false opinion of men / that were ignorant / and did not knowe the very true and naturall propertie or propre nature, of the lawe of god / the lawe of nature and of the lawe morall. And for this cause firste of all it shalbe very well done and necessari / to define and to shewe proprely and certaynly / as a man wolde say by a certayn portrature / what goddis lawe is / what the lawe morall / and the lawe of Nature is. And to sette these definitions, as ye wolde say for certayn principalles and chiefe poin
tes

tes of our disputation: of the whiche we may take all our reasons and proues. And we wyl not folowe here the scrupulose and curious labour and diligence of some men, whiche diuide and drawe into ouer many gobettes and peaces/ the true signification/ meanyng/ and nature of these wordes. Surely we wyll not medle with no suche thynges, whiche all though they seme at other tymes/ quicke or sharpe, and maye gyue and shewe to thorny, crabbed, and comberous wittes stertyng boles to skape out bi/ if at any time their armi be brought into a streyte: yet doutles, as for this matter, they do nothinge but make it darker/ and incombze mens ingement. And if this treatise that hereafter foloweth, gentyl indifferēt reder, shall seme vnto the somewhat strange and harde/ yet hardely take the peyne to rede it/ and I doubt not, but thy labour shall not be so great, but the profet hereof shall be moche more/ not only for the vnderstandyng of this matter, but of many other/ whiche be very necessarie for christian men to knowe. Therfore to come to our purpose/ the definition of gods lawe is this. **T**he lawe of god is the

N

worde

The fyfte

worde or minde of god, cōmāding thinges/
that be honest, or forbidding thinges/that
be cōtrary to honestie/whiche lawe the sa-
cre hōly vniuersall church hath of longe
time, by her auctorite, receiued & cōfirmed
as other beinge sowed & plāted in the reso-
nable creature of god, by the mouth & spi-
rite of almighty god, ozels shewed to him
bi reuelation. ¶ Were if we chance to mete
with a froward and to curious a rede, we
feare, lest that we shal not obteyne of hym,
that he wyl be contēt with this definition.
He wyl streicht condemne it, as falsly for-
ged & cōūterfet/ & shal reason, and say/that
it is not made formally, clarkly, maisterly/
nor a fter schole lernynge. And agayne he
wyl fynde cauillations/and say, that it is
not large and generall inough: For that it
doth not conteyn the lawes other cōsultori
or permissiue/ that is to saye /lawes that
giue cōsaile/and lawes that do suffre and
permit/and this he wyl obiecte, bicause we
haue defined/that onely to be the lawe of
god/which doth bid or forbid. Moreover
he shal cry out/ & say/that ther lacketh the
finall cause or ende, that is/gettyng of the
eternal blis. so that by this note or marke
goddes

goddess law might be distinct and knowen
a sondre frō the iudiciall, ceremonial, and
mans lawes, the whiche he wyl say be not
the lawes of god / by cause that the nexte
and streicht intent of them is not to ordre
⁊ leade man to that ende whiche is laste of
al and aboue or beyonde nature / and how
that he shall lyue with god in heuen / but
only to an ende natural, howe he may lyue
in a comen welthe / and in company of men,
whiche is called a politike or a ciuill ende.
Synally he wyll fynde cauillations, ⁊ say,
that it is a new or a strange definition / and
made of our owne heed / and far vnlike the
definitions, whiche haue ben so lōge vsed ⁊
receyued in the scoles. Of the whiche this
is one, that goddis lawe is a true signe or
tokē notificatiue / which sheweth to a reso-
nable creture the right ⁊ true reson ⁊ minde
of god / willig the same creature to be bōde
to do somwhat or not to do, ⁊ to suche like
definitios as this is. These ⁊ such other re-
sons he wil perauenture forge and imagin,
who so euer he shalbe, that wil be curious
in weying ⁊ examininge this matter / more
than richt and reson requireth. But we do
appele frō suche iugementes to a resonable

The fyfte

indifferent/ and a lerned reder/ to whome we doubt not/ but that we shall lyghtely persuaide and proue/ that it was neuer our mynde to plucke downe or breke tho thynges, that haue ben receiued and approued. and that we haue expressed and declared, not vndiscretely and without consideratiō/ but perfectly inough, by this definition the substaunce or nature of the lawe of god.

For fyrste seinge that all lawes either be the lawes of god or man, and the lawes of man be all those, that be ordyned & made, not by the mouthe and spirite of god, but immediatly of man/ and by the wyll, tradicion, and auctorite of man/ and that commande thinges, that be honeste/ or forbyd thinges that be vnbonest/ for some cause agreeable to reason: whether this cause be euerlastyng, or during for a tyme: Furthermore seinge that all that euer god dydde speake in approued scriptures, thou canste not cōueniently call them lawes or cōmandementes/ but them onely/ whiche do cōmaunde or forbyd any thyng, and the whiche of necessitie bynde vs/ to do as they bid and commande vs: Finally seinge that all men do surely beleue/ and so ought to beleue

leue, that the vniuersal church alone hath that key of knowlege / and also of power, wherby she may discern and iuge, by her auctorite / the wordes of god / fro the wordes of men : By these forsayd. iii. reasons / we knowe / that a gentyll and an equall reader can require nothinge more in this our definition. And we trust / that he wyl openly graunt / that it is not vnylike or disagreeynge from those definitions, that be receyued and approued, for as moche as is pertynyng to this purpose / ye and that it is also somewhat more fyttre, and conuenient, thā these other be. This chiefly was our intent and pourpose, that we myghte declare and set forth the lawe of god / after suche maner, that it shulde not alonely be euidēt and playn, wherby it differeth from mans lawe: but also that we shulde ascertainne you, what it is / as it dothe comprehend the lawes / moral, iudicial / and ceremonialles / as many as be reherfed in holy scripture to haue ben ordained and made of god, and as do bydde or commaunde any thyng to be done, or not done : whiche all alyke we compte to be the lawes of god.

For as for the streyt or streytest takynge

The fyfte

or definition of the lawe of god, we did not so moch regarde it/and of purpose/and for the nonse, we dyd leaue out the lawes consultory and permissiue. For when the scripture dothe counsayle, or suffre vs to do / or not to do any thyng, this is gentylnesse, goodnes, and perfectnes of lawes, rather thā the lawes selfe, bicause it is a point of a good and a perfect lawe/ to counsayle and suffre those thynges/ which be nother to be bidden nor forbyddē. And yet if any body wyll examine and trie out this definition of ours/ by the rules of logike, perchaunce he shal fynde/ that it is absolute and perfet in al pointes. But it is no tyme here to playe the logition/ and to brynge proues not necessary nor requisite/ in a matter playn and euident inough.

For we haue declared, as we thinke, sufficiently inough/ what goddes lawe is/ and also, what lawes be worthy to be referred and counted in the ordre and noubre of goddes lawes / and what lawes agayne oughte to be banysshed out amonge the forte and route of mans lawes. Morouer of goddis lawes the diuines make thre kindes/ that is to sey moralles/ whiche also be called

called naturals:and iudicials:and ceremonials. The difference of these, the Diuines synde out on this maner.

They calle morals, whiche teache and gyue preceptes of the actes, offices or duties of morall vertue, that is to saye, they shew howe a man shall do vertuously and after good maners, & what dedes be good and what be not. **J**udicials they calle, those lawes/whiche giue preceptes of particular actes of Justice betwixte man and man, and preceptes of punisshementes and rewardes, as euery man deserueth.

And ceremonials they call/whiche com mande vs to do certayne outward dedes to the worshipping of god/ from whes the name of ceremonies seme to haue spröge & come vp. **W**e will speke nothinge here of ceremonials/whiche pertayne nothinge to our purpose, by cause that our matter is no cerimonie. As for the difference or diuersite of the moralles and iudicials/ howe thei ought to be take & vnderstād, we must nedes declare more plainly. For herebi we haue sene men/ & that wel lerned, oftentimes blynded & deceyued, while they thought that this worde, Justice, whiche is large &

N.iii.

conteneth

The fyfte

conteyneth many kyndes vnderneath it to be single, and conteyne but one kynde/ nor to be taken but one weyes onely, where as in dede there be diuers kyndes of Iustyce.

One kynde of iustyce is called Legall, vniuersall or generall/ an other is called particular.

Legall or generall Justice is, whiche generally conteyneth all vertues vnderneath it/ and it by it selfe alone, is all hole vertue that is : euen, as scripture dothe calle a iuste man for a good and a vertuous man, and iustice for goodnes and vertue/ as contrary wyse/ iniustice generall is not part or a kynde of vice/ but it hathe in it holly all vice and synne that is.

And nowe of particular iustice there be ij. kyndes Distributiue/ and Cōmutatiue.

Justice particular distributiue standeth in distribution or partyng of honour/ promotion, or of money/ or of other thinges/ whiche may be distribute amonge them/ that be felowes of one citie or cōmunalte. For these thinges may be diuided amonge vs equally and vnequally, and so iustely or iniustly. **P**articuler iustice cōmutatiue is ordined to mende and correcte suche bargaynes/

gaynes, as we make one with an other.

Therfore when there is ani doubtte or question of this poynte of iustice / we go to a iudge, whose office and deutie is to make them euin / whiche be not euin : as when he dothe condemne a man in a summe of money, and so taketh away the wynnynge from him / whiche had more than ryght afore by deceyte and wronge. Than whan the hurte is ones measured and esteemed / one parte is called losse / thother wynnynge and he is called the wyinner, that putteth the other to losse / and he the loser, that hath losse.

These thynges we haue spoken for this pourpose / that we shulde vnderstonde, that the Diuines, while they say / that the iudiciall lawes do treate vpon particular actes of Justyce, betwene man and manne / they wyll and meane / that the Judicials onely commaunde and teache / by what meanes and punisshementes those thingis maye be correcte, amended / and brought to a iuste and an euen poynte / whiche belonge to particuler iustice to order / likewise as morall preceptes belonge to general iustice to order. And plainly if any man wyll

N. v.

serche

The fyfte

serche & seche out the exacte meaning & definition of the iudiciall preceptes, specially that be spoken of/ in the olde testament/ he shall fynde, that they only be iudiciall, and so ought to be called, whiche be statutes of peynes, or at the leest, those / whiche god in tyme passed byd answere vnto Moyses, whan that he asked hym counsaile of the sutes and controuerxies of the Iues. For seynge the begynnynge of wysedome is the feare of our lorde, that same people so stubbourne and intractable, oughte for feare of punysshement to haue ben moued and prouokedde to vertue / and to be drawen backe from their wonte and accustomed synne, lest that they, as men vnreuly and intractable, shulde by theyr synne so greatly haue moued and prouoked god, that they shulde rightfully, and of their deseruing, haue gone downe quicke to hell. Therfore afterwarde that the morall preceptes were gyuen/ in the mount called Syna/ with incredible feare and horroure or quakyng of the herers: anon after were gyuen them also the iudiciall preceptes, in the whiche god did nothing els, but teache and shewe what vengeance oughte to be taken

taken vpon them/that do trespas/and trās-
gresse those forsayd morall preceptes. For
the iudicials, as Thomas saythe, haue
their name of this worde iudgement. And
as for this worde, iudgement, betokeneth
exercysynge of iustice/whiche is done by
reason,applienge the lawes or rules of iu-
stice certainly to suche speciall cases,as be-
longe only to the ordryng of some certaine
people amonge them selves, & that conside-
ring the state of that people only. for,saith
he,seing the moral preceptes be cōmune to
al people,and that many of them,specially
of the affirmatiues/do apoint neither time/
place,nor maner,how to kepe them:it is ne-
cessarie,that these circūstances be specified
& determined by some lawe,either of god,
or man. And therfore as that general com-
maundement,that god must be honoured
and worshypped,is specified and declared
outwardely by ceremoniall preceptes: so
lyke wise that same cōmandmēt of kepyng
iustice amonge men/called the lausful or ge-
nerall iustice/is determined by the iudiciall
preceptes / that is done by a iudge, apply-
enge the vniuersall & fyrste rule of generall
iustice, to some particuler matter, & to the
private

The fyfte

private state of some one cōmun welth/and
to the profet and benifyt of the same only.

By these foresayde thinges we thynke,
that it is euident and playne, what lawes
ought of ryght to be called iudiciall lawes
of god. Truly those whiche haue bē made
ordined of god him selfe i holý scripture,
to the gouernynge, not of all people/ but of
the Iues to gether amonge them selfe, and
that in suche thinges as perteyne to parti-
cular iustice / and haue no morall reason in
them selves, nor shulde be of no strengthe
nor auctoritie, if there were nothyng but
reasone to moue thereto : but the cause of
their makynge was the state of that peo-
ple, and other auctoritie and strength haue
they none / but onely by cause they were
made. for their auctorite stādeth rather in
that they be decreed and commaunded,
thā in any reason of general iustice of god/
as whiche stonde more in decrees and pe-
nalties/ then by reule or by reason of com-
mune iustice. For there is no commune nor
generall iustice in them, but they be onely
iuste for them that they were made for.

And thus we haue shewed the, what is
the iudicial law of god. Now i the definitiō

or certeintie of the morall & naturall lawe,
is great derkenes and doubtfulnes/bicause
it is comunly vnknowen, nor hath not ben
written nor declared clerely and diligently
of any diuine (as farre as we haue redde)
by what shorte and substanciall waye/ we
myght fynde out by a sure facion of reaso-
nyng, what is the lawe of nature, howe
many kyndes there be of it, and also whi-
che be the thynges, that natural reasone
shulde shewe and teache vs. These thyn-
ges doutles be very darke and ouer rolled
and wrapped in moſte depe and thicke der-
kenes, by cause that all people on al sydes/
in maner by a commune consent and agre-
ment, folowe vice & synne/ and of so longe
tyme hath fallen away and cleane forsake
their very propre nature, so that partly by
cause there be so many vicious customes,
partly by cause there be so many vayne o-
pinions, & misordered iugementes, so ma-
ny croked errors/and ignorance/so many
frowarde maners/synally bicause there is
so great diuerſitie, bothe of mens wyttes/
and of mens appetites and dysposytions/
the holy light of nature is in maner vtter-
ly extincte and put out, and skante appe-
reth

The fyfte

reth or sheweth it selfe at all any where,
and the sharpe or quicke syght and trewe
iugement of mans reason, by the whiche
he shulde knowe / what is good / what is
yll / what is true, and what is false, desti-
tute of his lyght and rightnesse / and laci-
kyng the holy goste or spyrite of god /
whiche is the ruler and gouernour of rea-
sone / is ytterly become obscure and darke.
Tberfore here we muste reste and tarye
a lytle whyle / that as farre as our wytte &
capacite will serue vs / and this our matter
wyll suffre / we may gyue lyght to these
darke thinges / and vndo the knott] of the
doubtes so as it may be. ¶ Ther is in mā
all though it be meruailously blinded and
darkeneddē, a certayne prudence, or com-
mune wytte ingendred in hym, grauen in
him bi god his maker at his first creation /
and this wyt or reason they calle naturall
light / & light of ynderstanding / & the light
of the visage of god, the ymage of god / the
eye of the reasonable mynde, a parceiuinge
of good & euil, right & wronge, finally they
call it natural reson. ¶ Beside this ther be
writē in the hart of man with the finger of
god certain rulis or lawis of general iustice
vcrue

vertue & honestie, whiche they cal the fyrst principils to liue by, accordinge to vertue/ the fyrste rules to do iustly, whiche were to man as exēplars or patrons for to folow/ & to shewe him howe he shuld do iustly/ the first truthes/ sedes of vtues/ sparckes of nature, imperfecte vnderstandinges/ general knowleges, cōmun sense or perceuerāce, cōmun wisdome/ finalli beginninges to al moral iustice & vertue. Nowe the office of the forsaid natural reson & prudēce is to shew, that we ought to do/ or leaue those thingis, what so euer these rules of cōmune iustice or vertue doth shew vs. And bicause that the same rules of general iustice cōtaine the perfecte & true nature of vtue/ they teache/ that those thingis only, whiche in the manners of al men vniuersally, be good or euil, right or wrōge, ought to be folowed, or auoided/ euen for the thinges them selfe/ and for obtaininge of euerlastinge blis. For this rule is no other thyng in dede, then a certain line leading vs to honestie and vertue, and frō dishonestie and vice. So that what so euer is done, accordyng to this reule/ it muste nedes haue the name of vertue, by the whiche vertue man is called good/ what

The fyfte

What so euer is done contrary to this rule,
it must haue the name of vice. This reule
therfore ioyned with that commune prou-
dence or wysedome, we call the lawe of na-
ture. If thou wilt define it: it is a general
knowledge and iudgement, whiche god dyd
grave in the mynde of euery man, to helpe
hym, for to fourme and facion his maners
and lyuynge. And it nedeth not vs to go
farre to seche the prose of these thynges/
that we haue spoken/seing that there is no
man, but that he hath in him sometime an
examynation and remembraunce of hym
selfe, and remorse or conscience, that dothe
iuge & cōdēne hym. and wher so euer these
be, there muste nedes also be some lawe/
frō whose techynge the misdoer maye per-
ceyue, that he hath swarued, and that he
hath not performed tho thynges / whiche
the lawe cōmaunded him. And as for this
lawe both Paule hym selfe, and almoste al
the diuines and the philosophers / call the
lawe of nature, and sey, that it is a certayn
commune sentence or iudgement / condem-
nyng or allowinge the dedes of men, the
whiche god did grave in the herte of man
with his synger. In so moche that vnto vs
truly

truly the lawe of nature/to speake of it generally, semeth to be no other thyng/ but these fyrste reules, and fyrste iudgementes, that man hadde/whiche were made with man/or rather borne with him/ & grauen in hym of god. But to speake of it specially and properly/ and to shewe howe it differeth from all other thynges / these two thynges solowyng, seme to vs to haue ben added to the definition very conueniently and to the purpose, that is to saye/whiche god dyd graue in euery mans mynde/ and agayne whiche is fytt and conuenient to forme and facion the maners and luyng of men. The fyrste is added bycause we shulde vnderstande, that they onely be naturall lawes,whiche haue ben writen with the synger of god/or rather borne in the harte of man/stablyshed and confyrmed by agrement of all nations / and not made by the ordinance of men/or by their lawis/ their counnyng/ opinion, or reasonyng/ nor finally by no vsage or custome of men. The seconde is added bicause, that where there be many knowleges and iugementes in vs, all alyke can not be called lawes of nature. But to open this thyng some
D what

The fyfte

what plainly/you ſhal cōſider, that in māſ
reaſon there be. ij. partes, the one is occu-
pied about ſtudy of ſciencis/ that is called
Speculatiue, the other about the ordring
of his life/whiche is called Actiue. And as
this parte, that longeth to ſtudie/bath his
natural principils/and them moſt true/and
ſo plaine of them ſelues/that they nede nor
can not be proued by none other meanes
but onely by them ſelfe, of whoſe trewth
and knowelege hangeth the trouthe and
knowlege of all other thinges, that be tre-
ated in any of the ſpeculatiue ſciences : So
truly god, that is moſte good, moſte wiſeſt,
⁊ moſte of power / after that he had made
man ynto his owne image ⁊ lykenes, richt
and without any cokednes / without any
vice/ſtreicht wayes he put in hym his ſpi-
rite and holy goſte, whiche ſhuld enſlame
and kyndle hym to goodneſſe and vertue :
and dyd. by and by graue in his mynde/in
the other parte of his reaſone / that ſer-
ued to the orderynge of his lyfe/certeine
generall knoweleges / and generall reules/
vpon vertue, and vpon all thinges/that he
ſhulde do, whiche ſhulde be as you wolde
ſaye/ certeyne principilles, groundes / and
chiefe

chiefe conclusions/ and that as it were certeyne, moſte ſure, and moſte true reules to iudge by, with richt, and according to reaſon vpon all the maners and dedes/ that belonge to man. And truely theſe generall rules of comune iuſtice or vertue, we calle lawes of nature.

Nowe to ſhewe you, what is the moralle lawe of god: what ſo euer is commaunded of god in holy ſcripture, and is ſhewed vnto vs inwardly in our hartes by theſe fore ſayde generall rules / or that in a good and formal reaſon ſolowith of them/ or elles that agreeth with them / though he it dothe not ſolowe of them: all theſe the Diuines calle the lawes morall / whiche lawe they deſyne and determyne on this maner.

The morall lawe of god/ is the worde or mynde of god/ commaundynge thoſe honeſte thynges/ and forbyddynge thoſe vnhoneſte thynges, whiche the naturall reaſone of man lychtened with the lychte of the worde of god, dothe, accordynge to the rules and teachynge of commune iuſtice or vertue, teache vs to do/ or to leaue: and whyche the ſame naturalle reaſone

The fyfte

selfe so lightened, dothe shewe vs/ that we be bounde to kepe them/ al thoughbe they were neuer comanded by none other lawe.

These thinges well knownen and vnderstande, it shalbe easy and playne to knowe the difference betwene the lawes moralles and iudicials. For the lawes morals were grafted and planted in man bi nature/ or at the least came of naturall reason/ and this naturall reason euer and at all times before any lawe was wrytten / or any citie made, god hym selfe dyd plante in man : but the Judicial lawes were shewed to man after warde/ nor stonde not by nature, but by ordinaunce, and makynge. Ageyne, morall lawes serue to order, according to the rule or prescript of general iustice, all vertuous dedes/ by the which a man is made good. And as for those iudicial lawes/ serued not but onely to the orderynge of the Iues amonge them selfe, and in those thynges onely that belonged to particular Justice. The lawes morall haue of them selfe a naturall and morall cause generally to all nations why they were made: but there was no cause, why the iudiciall lawes of god were made/ but only the state or condicion
of

of the Iues. The lawes morall be perpetual and vnschaungeable, by the consent of al nacions/and so remayne and endure, by cause they haue their strength and power by the teachynge of naturall reason, so enlightened, although they were neuer commanded by none other lawe. These iudicial lawes be vsed and accustomed onely by ordynaunce.

➤ The syxte Chaptre.



Of the licht and trouthe of our two worthy groundes & principilles/ that is/ the definition of the lawe morall, and the lawe iudicial, of the whiche two we wyll make a sylogisme or perfecte reason, we haue spoken sufficiently. Therfore now we wyll go forth with other thinges, that pertain to our purpose, and shal endeavour our selfe, to shewe and declare/ that tho Leuiticall prohibitions/ whereby we are forbydden to marye our brothers wyfe, and to shewe his filthines, is a lawe morall, comminge of nature. And this thinge we shal brynge to passe/ per-

The syxte

uenture if we make you a reason out of the definitions after this maner.

Euery sayenge of god that commaunde the honeste thynges / and forbyddeth yn honeste thynges; whiche the naturall reason of man / clered by the lychte of the worde of god / commaundeth to be done, or to be eschewed / accordynge to the rule and teachynge of generall Justyce or vertue, and that hath auctoritie and strength euen by naturall reason onely, all thoughe it hadde neuer ben ordyned by none other lawe: is a lawe diuine, morall / and naturall. But these Leuitical prohibitions, be sayenges of god that do forbydde yn honest thynges, whiche the natural reason of man, lyghtened by the worde of god, commaundeth to be eschewed, after the rule of generall iustice and vertue / and haue their auctoritie and strengthe, euen by naturall reason onely, all thoughe they had neuer ben forbydden by none other lawe. Therefore they be godly, morall, and naturall lawes.

But if that any man here by chaunce wyll by his crafty witte, reason, and bolde stubbournely, that some of those thynges /
whiche

whiche we haue taken to proue our cōclu-
syon with all, be not trewe: the texte and
the order of the historie/ and of the place,
that we haue before reberfed, out of the
Leuiticall/ shall sone ouercome him.

For truely fyrst of all, that those lawes
be sayenges, cōmaunded to the reasonable
creature, not by the wyl of man/ but by the
auctoritie or teachyng of god hym selfe:
the maner/ the tyme, and causes of theyr
institution, or fyrst ordynaunce do playnely
declare. yea and this thinge also, that is so
often reberfed there/ declareth & sheweth
the same/ that is, J your lorde god. So
that we nede no more to doubt of the au-
ctor or maker of these lawes.

Seconde the vniuersall catholyke and
apostolyke church hathe shewed/ that
those lawes were taughte vs by the spi-
rite of god, and by god/ by cause that the
church bath putte the. v. bokes of Mo-
ses/ and amonge them the holle boke Le-
uiticall in the noumbre of these werkes/
whiche by vndoubted ysauce and con-
sent of longe tyme/ the church bath ap-
prouedde and confyrmedde/ to haue ben
wrytten by the spirite of god. This same

Q. iij.

thing

The fyrte

thinge truely the sacre holy couſayles, the honorable Seanis haue decreed / the holy fathers priuatly every man in his workes hath iudged / the same thinge till this day hath ben beleued and receiued of all christian men. And forsothe / seynge that the catholic church hath approuid this thinge as strongly as can be / and hath publissed and wytnessed the same openlye to all the worlde, that those prohibitiōs / the which we now speke of, be expressely and plainly written in the boke Leuitical / and that the boke Leuiticall, which can not erre nor lye / dothe playnely shewe and declare / that these lawes were shewed and spoken by the spirite of god, through the mouthe of Moſes to the people of the Iues: truely no man can say naye, but that these Leuiticall lawes be oracles or sayenges / that came oute of the mynde of god / nor were not made by the ordinance of any man.

THirde, and that these Leuitical prohibitions be sayenges / whiche do forbydde suche thinge / that of it selfe is nought and agayne honestie / and suche a thyng truely as the naturall reasone of man / lyghtened with the licht of the worde of god, dothe shewe

shewe/shulde be auoyded/that is to saye/
the fylthy, foule/ and shameful couplynge
with our brothers wife, the pith & strēgth
of this word MAN sheweth & declareth:
by the whiche worde it is signified, that
they, which so come to their broders wife/
be no lōger men, but brute bestes/in so mo-
che that god calleth it fylthines/a mische-
uous and acursed dede/abbomination and
infamy/ and a thyng vnlausfull / that any
man shulde mary his brothers wyfe. And
this thyng is playne / also by cause that
god dothe threten to punyssh greuously
and sharply the breakers of these lawes/
that is to saye/ that they shall be blotted
and cleane wyped out of the myddes of
his people / and that they shulde be spu-
ed out of their lande/ and they shall dye
without chylderne / and yet we wyll not
speake one whit of the more greuouse and
sorer punysshementes. For marke wel/god
threteneth. iij. maner punysshementes to
the breakers of these lawes: fyrste tempo-
rall punysshmente, that they shall be caste
and banysshed out of their countrey. Se-
conde, that they shalbe without children/
whiche punysshment cometh onely of god.

D.v.

And

The sytte

And thyrddly euerlastyng punysshment,
that is the banishment of the soule out of
the company of god for euermore. For as
this seyinge to be put out of the myddes
of his people/meaneth not that we shulde
be punysshed by any bodely deathe, but
that we shall not be reckened nor compted
in the nombre of saintes or of chosen peo-
ple. And not onely they were thus punys-
shed, but also their bastardes, that came of
suche forbydden mariages, whiche in He-
brew be called Manzer, were forbidden the
temple. for the Iues call him Manzer, whi-
che is begotten by any of these forsaide fyl-
thy couplings, & reken him as a bastard,
and borne of an harlot. All these trewely
were thoughte vnworthye and vnnete to
come in cōpany of the people, whiche was
gathered to kepe and celebrate the feastes
and holy dayes, or vnworthie to haue any
thinge a do, or any office in the churche of
our lorde, wherof this thyng semeth to
haue come vp, that nowe vnder the gos-
pell, bastardes can not be promoted to ho-
ly orders. **T**herfore seynge that god
him selfe here doth plainly pronounce and
gyue sentence, that the Chananes and the
Egip

Egyptions bid defile their lande, and spotted it with filthines/while that they didde contracte mariage with their brothers wiues, and that he for that cause dyd greatly abhorre them, and dyd mooste richtelesly take vengeaunce vpon them/and punysshed them most sharply/it can be none other wyse, but it muste nedes folowe/that god hath iudged this thyng to be shamefully vnboneste and of them selfe/as they sey/morally euil & nought/and also ageinst the richtnes of naturall lawe and reasone, yea to be abhominable and abhorred. For wherfore elles wolde god haue punysshed so greatly and so greuously the Chananais and the Egyptions for these synnes and mischeuous dedes? For truely it was neuer harde, that the transgression of the iudiciall or ceremonialle preceptes, whiche onely were giuen to the children of Israel/dyd at any tyme so greatly displease god, that he wold vtterli destroy them therfore. For seing the iudiciall & ceremoniall lawes, haue no power nor strenght to binde vs but onely after they were made, truly the same prohibition / breakinge of the whiche god euen amonge the heathens, yea and that before

The syxe

before the lawe was made/ byd so greatly
abhorre and turne his face from it/ can not
be iudiciall, but plainly morall, as that is
agreinge with the very teaching of nature/
and that shulde be written in euery mans
berte/ al though in some men it be blotted
out with wickedde and noughty maners,
and yngracious custome. For els what re-
son shulde that be/ and what right or con-
science/ to puniss he for doinge that thinge/
that is not forbydden by any lawe? For as
god is not wonte to puniss he iniustly, and
ageinst right, so he is not wont to puniss he
but for transgression of some lawe. And as
for the Egyptians and the Chanaanais / at
that tyme had no lawe of god written/ but
the lawe of nature, whiche ought to haue
ben written in their bertes.

But if any body wil say here/ that these
wordes, wher he calleth them mischeuous
& abominations, and also these puniss he-
mentes and thretes / whiche he putteth
there/ belonge not to the first prohibitiōs/
whereby we are commaunded to auoyde
mariage with them/ that be of our bloud/
but that they ought to be referred to the
latter prohibitions: here let hym diligētly
marke

marke & cōsider the order & processe of the
xviii. Chapter of the Leviticall/and what
the lawe maker intēded to do in it, and af-
ter what maner he hath diuided and par-
ted the order of his bolle matter / and at
the laste let him compare and set to gether
the forsaide. xviii. Chapter, with the. xx.
of the same booke/and there truely he shall
perceiue/ that the saide. xviii. Chapter of
the Levitical/euen throw out/ partly doth
moue vs, partly dothe teache vs. He mo-
ueth his people of the Jewes to absteyne
from the most cursed and yngracious ma-
ners and customes/and from such thinges/
as amōge them were taken for laufull, and
this his intent/ he setteth forth in the be-
ginnyng of the chaptre. And afterwarde,
lesse the people/ as yet rude and vnlearned/
by cause they knewe not the lawe, shulde
haue ben ignorant, and not haue knowen/
from what maners and lawes they shulde
refrayne them selfe, he toke vpon hym the
office of a mayster : and whan he had rec-
kened vp their mooste yngratious facions
of maners, he teacheth them, from whi-
che maners they shuld absteyne/ & streyght
after, whan he had made an ende and per-
formed

The syxte

formed the office of a teacher, he tōurneth hym backe agayn to the crafte and policie of dissuading, and moueth them to absteyn from the forsaide crimes / partely for feare of punisshementes, partly by the examples of the Chanaanees and the Egiptiens / of whom he sheweth / that he toke great vengeance and punisshementes, by cause they had spotted and defyled them selfe / theyr land and countrey, with these vngacious vices. Nowe if the lawmaker had vnderstonde this laste ende of the chapiter, on the latter prohibitions only / by and by he shulde haue fallen oute of his purpose, as though he had forgotten in the laste ende of the Chapiter, what he intended in the begynnyng. And trewely thus he shulde haue done in a maner as vncomly, as if any soz oratour or preacher in the begynnyng of his oration or sermon wolde promysse / that he wold dissuade men to absteyn from all vices, and afterwarde whan he had exhorted and moued the people from one or two vices / wolde go his wayes leauing the reste / and so mocke and deceyue the expectation of the hearers.

CAnd

And also he shall perceyue this / that
bere, where as the lawemaker gothe a-
bout to deborte the people of the Jewes
to absteyne from tho thynges, that were
laufull amonge the bethens, he doth calle
them cursed abhominations / and so aug-
menteth and increaseth the greuousnes &
greatnes of them, so that he iudgeth euery
one of the crimes to be sufficient to thruste
out the Chanancis from their seates & na-
tural countrey. For as for adulterie, or the
synne agaynst nature, was neuer laufull a-
monge them, but these inceste and beastly
marriages. why than shuld we not thinke,
that the lawemaker did meane on the fyrst
probybitions ? and why shulde not the
wordes of abhominacion and execration,
and lykewyse the peynes & punysshemētes
there put, belonge as well to them / as
to the latter prohibicions ? Certaynely in
the. xx. Chapter / this is the laste probi-
bition of all / that we shall not marye our
brothers wyfe. And streyghte after that
followeth : all these thynges the gentyls
and bethēs haue done / and therfore I did
abhorre them, so that it is resonable & fyr-
for ys

The syxte

for vs to beleue / that the lawemaker byd myngle and confoûde to gether these thinges a purpose and for the nonste/doubtles to thentent that we shulde perceyue ⁊ vnderstonde / that thei were al to gether acur sed and all worthy of punisshement.

Furthermore it semed to the holyc fathers, whiche were chiefe heedes in the counsayle Tolletan, and Agathense / that those peynes and punisshementes shuld be referred to these, inceste, beastely, and vnkynde mariages.

Finally Ilichius / Rabanus, Rupert / ⁊ william of Parris, solowyng the sayd Ilichius, playnely dothe referre and applye those wordes / and those penalties to the breakynge of this commaundement, that a man shulde not mary his brothers wife. And truely we haue broughte forth here to fore / for wytnesse and confyrmation of this sentence, many other proues / bothe of holy counsayles / ⁊ also of lerned men of great auctorite and credence / so that it shal be voyde and superfluous to tary in this.

Moreouer that naturall reason dothe shew and proue, that it is sinne and ynboneste, to couple our selfe to our brothers wyfe

wyfe/euen this thyng doth easily confirme
and proue/by cause that there was neuer
nation so beastly/none so without all hu-
manite/but that thei perceiued and knew/
that they ought this honor/ dutie/ & reue-
rēce to theyr bretherne & brothers wiues,
that they shuld refrayne from their mari-
ages. Many didde violāte and breke this
lawe. For this thinge truly is wonte to be
done, by the faulty and vicious custome of
men/that folke do sacrifice euery where to
idolles/and slee, and steale/and commytte
adultry, and finally wycked sinners treade
ynder their feate all goddes lawes, and
mannes,yet for all that/all these do thinke
surely/ that these thinges ought not to be
done,and thus they thinke, not taught by
māns lawes, but by a certeyne vertue and
licht of naturall reason, planted and grou-
ded in them. For els howe shulde this be/
that these hethen Poetis,hethen bystory
writers/ and heathen lawemakers,shulde
almoste in all their workes speke so moche
of this kynde of Incest, and of the peynes
and punisshementes/ with the whiche all
nations were wonte to reuenge this not to
be spoken vice? And who is he/ whiche

The syxte

hath sene any thinge in the writinge of the olde histories and lawes/ but he knoweth, that this maner of incest hath ben hadde in great infamy, reprove, and sclander/ and that not in one citie or countre/ but almoste in euery place, and amonge all men, hath ben condempned as a certaine wickednes agaynste nature.

Abimelech, a good and a iust man, after the maner of the lawe of Nature/ and also greatly lauded and commended of god, dyd he not thinke and iudge/ that it coulde nat be possible / that Sara might be bothe syster & also wise to Abraham: the whiche Abraham/ whan he went about by al meanes / that he coulde, to kepe it close / that Sara was his wyfe/ he had no ströger reason for him/ than for to say / that she was his syster. The whiche answere of Abraham, shulde in no wyse haue pleased and contented the Egiptions and Gerarites, if those nations had thought, that the sayd Sara coulde haue ben bothe his syster and his wife. As if a greke wolde aske me/ whether I were a maryed man / & I shulde falsely answere him agayne, and say, that I am a preest / where the greke knoweth well

well ynoughe / that one and the same selfe
man may be botbe a preeft and a maryed
man, and all at ones. So Aristotell a great
philosopher, it is an ynreasonable thinge,
saith he, that Socrates did forbyd the ma-
riage of them that be of one bloud / for none
other cause, but that there shulde haue
come to moche pleasure of it / and that it
maketh no matter, whether he marye his
mother, his doughter / or his sister.

¶ And a man maye here of the bystoryes
and the Poetes, what infamy and shame
is spoken of Macareus, Launus, Lydon,
Pub. Clodius, whom Cicero accused of in-
cest, Marcus Antonius theemperour, Pto-
lomeus Euergetes, Cesar Caligula, Lōmo-
dus the emperour, Ptolomeus Philadel-
phus / brother to Hypermiestra, Lambises
kyng of Perse, and all bicause they defiled
their sisters, by the not to be spokē plesure
a lust of the flesshe. Nor truly it is no smal
infami / nor can not be lightly wasshed out /
wherwith these persons, here solowynge,
be noted in the histories. Thereus kyng of
the Thraciens / bycause he had to do with
his wyues syster. Thiestes by cause he had
to do with Europa his brothers wyfe, and

P.ij.

also

The syxte

also with his doughter Delopeia, ⁊ Aufle
na/by cause she had a do with her fathers
brother, Hypermetra/by cause she did by
deceyte obteyne her pleasure of her hus-
bandes brother / and also Flavius Domi-
tian / Theodozycke the Frenche kynge .
Leucon, and Philippe, brother to Alphōs
the king of Hyspayne/those truely bicause
they dyd corrupte their brothers dought-
ters, and these bycause they coupled them
selfe with their brothers wyues.

C And more ouer the prudence and wyse-
dome of the Emperours hathe thought,
that the naturall bonde or leage wyll not
suffre, that we shulde suspecte or presume
any suche heuy cryme betwene these per-
sones / yea ⁊ it is provided for also by the
sacre lawes of the same emperours / and
openly commaunded, that no man shulde
marie his brothers wyfe, or.ij. systers/no
not al though the mariage be by any mea-
nes broken ⁊ vndone/but that they shulde
al absteyne from incest mariages. And lest
this vngacious licence and leude libertie /
shulde be strengthened by any damnable co-
lour or cloke, it pleased themperours also
that al suche rescriptes and wryttes and li-
cences

cences graunted bi the emperour and that with the aduise of his counsaile/ & also all maner of other lawes & cōstitutiōs, s̄ bulde ytterly be annulled and taken a waye, whiche hath giuen licence to certeine persones in the tyme/whan tyrannye reigned, that suche vngracious mynglinge s̄ bulde haue the name of matrimoni/ and that it s̄ bulde be lefull to couple our selfe by most foulest medlynge or couplynge that can be, to our broders doughter, or our sisters doughter/ or her/ whiche had dwelled with our brother in tyme passed vnder the ryght & title of mariage. ¶ And that the lawemakers haue euermore taught & iudged to be most shameful and abhominable, that any man shuld marie him selfe to his brothers wife/ it is euident and playn by this reason, because all heathens/ euery one after the custome and maner/ did with diuerse & sore punisshementes execute the lawe of these incest and filthi mariages/ somtyme buryenge suche vnbaste women quicke, somtyme gyuyng them libertie to chose their death/ and as for the corrupters of them, some al their goodes were confyscate and escheted/ and they banysshed/ nor could

The fyrte

not be suffered to make any testament/ nor to haue their children/their heires/ & some commaunded to be beaten to deathe with rodde in the comen place, and in the sight of al the people/ And some that their sheldes and armes shulde be plucked downe, and their titylles, and seates to be scraped out/ And did also decree/ that all mencion, remembrance/ & memoriall of them/ shulde be fordone. ¶ But truely it shulde be infinite and an endles labour, to rcken vppon al the incest persones / or the peynes giuen them by the lawe, the infamy, commune hatrede, and sclaunder, whiche they were in / not in one or two cities or nations, but euery where, as far as the worlde is wyde/ whiche dyd not refrayne them selfe from this kynde of incest.

¶ Furthermoze that to marie our systerne/ is forbydden by the lawe of nature, appereth playnly by this, that al the most approued doctours of the Church do excuse suche mariages bi necessite. and what shulde it haue ben nede to excuse them/ vnder colour and pretense of necessite/ if it had not ben of it selfe vnlesful and euill.

¶ But let vs harken, what Chrysostomus sayth/

sath, vvilt thou knowe, saith he, by what meanes it was lesfull somtyme/ to haue our sisters to our wyues? Howe hadde Cain and Abel, Rasan and Edodam their sisters, and did nat sinne? bycause the scarsenes of men and women/ and the necessitie/ excused that sinne. Afterwarde when the nombre of men and women was increased, the said euill came into his owne nature/ and began to be sinne. And at that tyme it was in vse and custome/ that one man mycht lawfully haue many wyues, but afterwarde the worlde ones increased and multiplied/ than this iuell also came to his owne nature, and began to be sinne.

¶ Also saint Hierome doth plainly meane bi those wordes, that were reherfed before out of him/ that nature doth so greatly abhorre suche mariage, that it ought not to be named or spoken/ leste that the deuoute earys be sore offended with so abhominable a worde.

¶ Also saynte Augustyne agreeth to the same. For he saith, when mankynde after the fyrste mariage of Adam, whiche was made of duste/ and Eue his wyfe, made out his syde, coulede not be increassed without

P.iiij. come

The syxte

commynge to gether of man and woman /
and there was thā nother man nor womā /
but that came of them two : the bretherne
toke their systers to wyfe . The whyche
thing the more older that it is / in so moche
that it was done at that tyme onely , whan
necessitie droue them to it / so moche the
more it was afterwarde damnable / whan
that shame drew them from it . For they
had consideration / as it was mooste right
and conuenient , of loue and charite , that
men / to whom it was pfitable and honeste
to be in vnite and concorde : shulde be knit
and ioyned to gether by sondry degrees of
kynred , and that one man or woman to an
other shulde not haue many degrees , but
with sondry and dyuers degrees shulde be
departed amonge sondry and diuers per-
sones : and euery persone to haue but one
degree to an other persone : but at that
tyme there was not wherwith these thyn-
ges might be brought to passe , seynge that
of these twayne , Adam and Eue / ther were
no men nor women , but all bretherne and
systerne . Therfore at that tyme , that thing
ought to be done , whan it was possible to
be done : that whan there was plentye of
women /

women/men shulde take suche wyues, as were not theyr sisters. At whyche tyme there was not only no necessitie to do it/ but also if it were done / it shulde be a sinne not to be spoken. The which thinge we se was so well obserued, euen among bethens and idolaters and wicked worshippers of many and false goddes / after that mankynde was ones increased and multiplied/ that al though it was suffred by noughty and corrupt lawes / to marye with our brothers wyues, yet for all that, the custome amōge them was moche better/ wherby thei were brought to this, that they wolde in no wise vse this licence, but vtterly dyd abhorre the dispensacion of the lawe, and so helde againste it, as though it coulde neuer haue ben lausfull.

¶ Therefore seyng that these so holy and deuoute men do call those lawes corrupte and noughty, which suffre, that bretherne and systerne shulde marie to gether, and syenge they affirme, that these / whyche worshippe false goddes / did neuer vse suche mariages, but did abhorre the same licence and dispensacion of the lawe, synally / seing that they sey / that it was not lesul for

P.v.

the

The syxte

the fyrste men and women / but onely by
cause of necessitie / truely it is playne, that
suche maner of mariages were not of their
owne nature lausfulle / euen at that tyme/
when they were not yet forbidden by Mo-
ses lawe.

The whiche thyng also in an other
place saynt Augustine dothe witnesse: For,
saith he, Abraham dyd lyue in the worlde
at that time / in the whiche selfe same time
it was not lausfull for bretherne & systerne
to mari to gether, whether they had both
one father and mother or diuers.

Also Iſcibus vpon the Leuitical saith,
It was thought tollerable of many, that
brothers and systers myght marye to ge-
ther / by cause Abraham sayde of Sara /
she is my syster by my fathers syde / and
not of my mothers syde. The whiche vt-
terly is not, as men thynke the historie is.
For Moses rekennynge vp all those / that
were begotte of Thare, Abrahams father,
maketh no mention at all of Sara. And it
so were / that Abraham dydde marye
his owne siter: yet it was before he knewe
god. Therefore it is synne to couple our
selfe to our syster by bonde of maryage.

where

Wherfore it is clere by this auctour Jsi-
chius, that maryages betwene bretherne
and sisterne were not leful before the lawe,
that is to saye, in Abrahams tyme/ whi-
che was afore the lawe of Moyses more
than. LLLL. xxx. yere.

So Methodius and Berosus, whiche
rekenynge vp the causes of Noes floudde,
telle bothe one cause. The one of them
saythe, it was by cause brotherne shame-
fully had a do with theyr sisters. The to-
ther, bycause Lains chylderne beganne to
abuse theyr brothers wyues by abomina-
ble fornicacion.

But we nede not to tarye in reberfynge
yppe the auctours, whiche make to our
pourpose in this behalfe. Truly if they,
whiche were wrapped in so greatte darke-
nesse/ that they dydde not perceyue/ that
they shulde worshyppe one god, dydde
yet perceyue/ that they shulde not marie
theyr sisters/ but dydde naturally abhorre
suche maryage/ euer more bated and con-
demned them/ as cursed, and inceste, and
not onely they/ but also the most holy and
moost true interpreters of the holye scrip-
ture do wytnesse the selfe same thyng to

The syrte

ys in their wryting], it is as clere as can be/
that these prohibitions were brought in by
the lawe of nature, and that the law of na-
ture and reasone, moued by the lawe and
the worde of god, dothe commaunde and
teache ys, that suche coniunction muste be
ytterly abhorred/as a wicked sinne ageynst
nature.

CIf any man here will saye, be it, that we
graunte, that these thinges be true/as tou-
chinge the mariages of bretherne and sy-
sterne, yet it is far a nother maner of reke-
nyng/as touchinge our brothers wyues.
Let hym vnderstande/that he is greatly
blynded and deceyued. For if it be against
the lawe of nature, that any man shulde
mary his owne naturall syster, bicause it is
not lesfull by the lawe of nature to discover
her foulness, & he, whiche marieth his bro-
thers wyfe/discovereth the foulness of his
brother / he also shal breke the lawe of na-
ture/whiche coupleth vnto him bi marriage
his brothers wife. **C**Although we haue
made it playne and euident inough before,
yet we shall put to these. ij. reasones, that
folowe, whiche shall proue the same as
openly as can be, that a man can not mary
his

his brothers wyfe. Fyrste/ bicause affinitie doth as well let mariage/ as dothe consanguinite. Seconde, by cause he that so marieth, dothe shame & dishonestie to his father by the meanes. Of the firste if any man do doubt/ he maye wel vnderstande/ that this thyng is very trewe, and it were but by this reason only, that not all onely by the lawe of god, so manye persones be excluded from maryage in the lyne of affinitie/ as be excluded and forbyd in the lyne of consanguinitie: but that also the lawe of the church is compelled to sette the bondes of mariage in the lynes bothe of affinitie and consanguinitie/ in a lyke distaunce or degre. And this thinge is playne by the auctoritie not onely of Iulij and Gregory Popes/ and also of saynt Augustyne, and Isodore, whose sayenges be receyued and approued in the lawe of the church, but also of Abbate/ and of all those that write vpon the chapter PITATIVM, And the chapter CVM AD MONASTERIVM DE STA. MONA. And the Chapter NON DEBET. DE CONSANG. ET AFFIN. That if there hadde not ben as great cause, why they / that be of affinite shuld

The sytte

shuld haue ben as wel forbidden to mary,
as they that be of consanguinite, but there
hadde ben a greater cause, why they that
be of consanguinite shulde be forbidden/
then they that be of affinite / truly so wise
lawe makers wolde haue boude these per-
sones of consanguinite, vnto a streiter bond
of mariage, then persons that be onely of
affinite / and not bothe vtterly of lyke and
in one degre. But now / seynge one selfe
same prohibition of the lawe of god dothe
conteyne all persons / aswell of consanguini-
nite, as of affinite in the fyrste degre, and
of the fyrst kynde / and that bothe by the
lawe of god / and the lawe Canon / we ought
to absteyne aswell from these persons / that
be of our wyues bloudde, as from them
that be of our owne bloudde / by cause that
man & wife be bothe one flesshe & bloud / as
witnesseth this sayinge of god : They shal
be. ij. in one flesshe : And bycause that the
kynred of bothe sydes / that is to say, of
the mans side / and the womans side / ought
to be compted comune to them bothe, tru-
ly we shulde take our brothers wyfe euen
as our owne natural sister, as touching the
prohibition of mariage / like as our daughter

in law ought to be taken of vs, euen as our owne doughter, as saint Augustine sayth. ¶ And that the secõde also is very true/ it is very euident & playne. For he that marieth his broders wife / taketh his fathers flesshe & bloudde to mariage. The whiche thing plainly is ageynst the law of nature. For seinge the husbände & the wife be one flesshe & bloud: truely he/ that taketh his brothers wife, takethe also the flesshe and bloud of his brother/ & as for our brother is the flesshe & bloud of our fader & moder, & that more nerer vnto them, than any of both theyr sisters/ bicause he is their owne son. Therfore if it be forbiddé by the lawe of god/ & also by the lawe of nature to marie our fathers sister, or our mothers sister/ or els the wyfe of our fathers brother/ or mothers brother/ whose wyues be but of affinite to vs, & that onely in the seconde degree: truly moche more it shuld be ageynst nature, to mary our brothers widow. For the nerer that they come to the stocke, & to be one flesshe & bloud, the more thei ought to be forbid. But our brother is more nerer vnto our fader, as it is aboue sayd, then is either of our yncles or aunes.

And

The syxte

And here be proues inough/by the whiche we haue shewed, as it becommed vs, that these Leuiticall prohibitions/that we shulde not marye our brothers wyse. &c. come of naturall reason.

Nowe there remaineth, to shewe/how the same be toucht vs by the sayde naturall reason/ accordynge to the reules and teachynge of generall iustice or vertue, for to fourme and ordre the maners of men. And this we dyd proue partly before / and now we shall speake of this same matter more largely. For the reule of commune Justice or vertue dothe teche vs tho thynges only, whiche in the maners of all men vniuersally be good/euyl, ryghte, croked, iuste, vniuste/and suche as ought to be followed or auoyded /euen of them selfe and for the obteynynge of euerlastynge blysse. And truly there is no man, but sayth, that tho thynges/whiche be forbyd in the Leuitical lawes/be such thynges. For fyrst they pertain and serue to facion and order mennes maners. For here truely we calle the MANERS of men, the outwarde dedes of men, and also the inwarde affectiōs and dysposytions of the mynde / what so euer they

they be, that come of morall vertue, the
whiche who so euer dothe kepe and per-
forme, it shall be sayd, that he lyueth well,
and doth well, and he shalbe called verely
and truly a good man. Nowe as for these
Leuyticall lawes, do not onely belonge to
chastite, but also to PIETIE, by the whi-
che, as Licero defineth, we be taught to
do our duetie and dyligente honoure and
seruice to our countrey, to our parentes,
and to them of our bloudde, and vtterly
to all men, all that ryght and reason wyll
we shall do. This thyng the fyrste lawe
of maryage declareth playnely inoughe,
whiche is this, THIS BONE now is
of my bones, and this flesshe and bloudde
of my flesshe and bloudde: For the whi-
che thyng a man shall leaue his father
and his mother, and shall stycke to his
wyfe. The whiche sayenge all be it other
men drawe it to the dwellynge to gether
of man and wyfe, and other to the loue
that ought to be betwene them, to vs it
semeth, that these two thinges were chief-
ly commaunded vs in this lawe. Firste
that the hous bande shuld euermore, with-
out any departyng, sticke to his wyfe,

R

Se

The syrte

Seconde, that no sonne shulde mary with his mother, nor no doughter with her father. But for this thinge, that is to saye, bicause the strength and power of mariage is suche, that it gleweth faste to gether with streite and moste holy bonde the man and the woman, and dothe make of them, that be .ij. seuerall and distincte persons, one body and one flesshe: therfore shal man leaue his father & his mother, & shal sticke to his wife, that is to saye, man shal absteine from the mariages of father and mother, nor shal not disclose their foulenes, nor shame them, agaynste the holines and chastite of maryage, and agaynst naturall honeste and shamefacidnesse, and against reuerence, whiche by nature is due vnto them. For seyng that those persons be ioyned moste nye vnto vs, longe syns, by the bonde of bloudde and cōsanguinite, to whome also nature teacheth vs, that we shulde owe other loue, shamsfacydnes, and reuerence, be syde the loue and reuerence of mariage, truly if they shulde ioyne them selfe to vs by maryage, bothe the cause, why maryage was ordined, shulde lacke the chiefeeste and beste ende, nor shuld
not

not take effecte, and shamefacednes, honour, and reuerence naturall shulde be violated and broken, contrary to all comeliness and goodly behauour.

C And that this was the very reason, and intente of the Leviticall prohibitions, this thyng playnly declareth. For god did put to the cause of the forbyddingis after the which is this. For it is the foulness or shame of the father, & it is the foulness & shame of the brother, & so forth: so that if one wolde aske, why it is not lausful for vs to mary our stepmother, to discouer her foulness, there it is answered, For her foulness is the fathers foulness, whiche is one body and one flesshe with the father. And if a man wolde demaunde agayne, why it is not lausfull to discouer the foulness of thy father, the answer is by cause he is nieste of bloud to the, to whome thou must before al other do honour & reuerence, & contrary to do him sham & villany, it is an ynclouinge and not to be spoken dede. And plainly so did Sem & Japhet iudge, which taught by the prescriptes of nature, before any lawe was writtten, couered them selfe with a cloke, & going backwarde did hide

The syxte

and couer their fathers priuities/ by cause they wold not se their faders priuie mem-
bres. And so doing they had their fathers
blessynge, and Lam hadde his curse. On
this maner ought the prohibitions, that
we shuld not marie our brothers wyfe. &c.
to be weyed and examined. For seynge our
brothers wyfe is one fleshe and bloudde
with her husbände, and he lykewyse one
fleshe and bloudde with his brother, it so
loweth well/ that the brother and the bro-
thers wyfe, be not. ij. but one fleshe and
bloud, and so consequently, that they can
not be ioyned to gether by mariage, seinge
that it is necessary before they mary, that
they be diuers fleshe and bloudde, and so
by maryage/ be no longer. ij. bodyes/ but
be made one fleshe and bloud.

For matrimonie is forbydden betwene
persones of consanguinite and affinite/ by
cause that betwene these persones there is
a certayne naturall amitie and frendship/
made by the institution of nature, whiche
dothe not nede the helpe of maryage to
strength it, but those persones ought to be
coupled to straungers and nothyng of
bloudde to them/ to increasse amitie/ loue/
and

and charitie, whiche is increased by marriage of straungers to gether. By cause that these persones, whiche before were not bounde to gether one to the other, by any specyall bonde, shulde nowe be made frendes and louers by the richtes and lawes of maryage / in the whyche frendes shyppe and loue standeth the faste knytinge to gether of hartis and myndes, and vnitie of wylls. And likewise as there nedeth no maryage betwene them that be of consanguinitie and affinitie to make loue and charite, and to be of one wyll & minde, no more there nedeth no maryage for to make them of one flesshe and bloude. But those persons must be coupled by marriage to them, that be straungers and nothing of their bloud to make mo persones of one flesshe and one bloud, that by this meane they whiche before were not boūde one to an other naturally by any bonde of carnall cōiunction, now by marriage shuld be made one flesshe and one bloud, by the whiche marriage diuerse persons be ioyned to gether and made one body. For by carnall copulation the man and the woman be made one body, and by maryage they,

D. iij. the

The sytte

the whiche were twaine before, be nowe no more tweyne but one flesshe and bloudde. The whiche reason also our sauour Christ in his godspell doth not abrogate nor take a way / but renueth it / sayenge : Therefore now they be no more tweyn / but one flesshe and bloudde. By the whiche wordes it is euidente and playne inough, that the lawe in the boke of Genesis / wherin it is sayde, **THAT** a man shuld leaue his father and mother and sticke to his wyfe, dothe not seme to be put as a rule of graunte and licence to mary in all other degrees / onely the father and mother except, but that it shulde rather teache vs / that the vnite of flesshe and bloudde / betwene man and wife ought to be indissoluble and neuer to be broken. And that the same vnite of flesshe and bloudde / seyng that it is amonge the parentes and the children, betwene whom also is naturally vnite of persons, and that they be naturally as it were one selfe same persone, it dothe let mariage betwene them specially and generally be twene all other, that be forbydden.

And this forbyddynge of maryage / by the meanes of **VNITIE** of the flesshe and bloud

bloudde/ if we wyll knowe howe farre it
extendith/we must loke for it in the Leuiti-
call lawe. For all though/as Dunse wry-
tethe, euen after the multiplication or in-
crease of mankynde, if they had perseue-
red and abydden in their innocencie and
goodnesse/ god wolde haue forbydden o-
ther degrees besyde the fyrste, (For truely
there is nothyng almoste so necessarye to
men/as to knowe the natural lawes of ma-
rieng) yet for al that god hath in no place,
in the olde Testament / expressed those de-
grees so playnely/ and shewed howe farre
their bondes do extēde, and what persons
nature abhorreth to be maryed to gether,
as he hath done in the Leuiticall.

¶ And nowe to retourne backe to our pur-
pose/ where as we lefte. Truely if it be a
poynt of chastite, and a poynt of naturall
loue, not to discouer the dishonestie of thy
brothers wife, and if these Leuiticall lawes
cōmaunde the to do them this duetie, this
honour/ and this reuerēce/ and to restreyne
thy luste and desyre of incest pleasure, from
them/ and to absteine and kepe backe thy
bandes from so fyltbye and abhominable
a dede: Fynally if the same prohibitions

The syxte

be greatly profytable to increasse and in-
large loue and charitie betwene christian
men, which loue and charite by this thing
chiefly doth increasse, if there be made frē-
deship amonge them, whiche be not cou-
pled before by none other naturall bonde
of loue: playnely we muste nedes confesse
and graunte, that those Leuitical lawes be
fit and cōuenient to forme and ordre mens
maners / and that they do agre with the
teachinge of commune Justice, or honestie
and vertue / and that they belonge to the
dedes and duties of the morall vertues.
For they truly forbydde the / that thou
discouer not the foulnes and dis honestie of
thy brothers wyfe / for the whiche thyng
our lorde reprobeth and dampneth bothe
the Chananeis / and also the Egyptians,
wherfore if thou discouer it / streicht thou
hast broken the rule and the order of ver-
tue. And the lawe of nature, and naturall
reason, as soone as they be illychtene-
d with the lawe of god / they shall crye oute
agaynst the / and thou muste nedes be cal-
led playnly an euel an & vnreuerent man to
thy kyn / and an inceste persone. For who
wyll denie, but that piete and chastite, and
holy

holy keepynge of mariage/cleannes,shame-
 facidnes of nature, shame/reuerence to-
 warde our kynsfolke/ and spreddynge a
 brode of loue and charitie/ be conteyned
 vnder the rule of cōmune Justice or vertue.
 The whiche vertues all/ no doubt, were
 the cause, why these prohibitions were or-
 dyned, and they be the thynges/ that of
 them selfe be honeste/ & are to be beloued
 and desired for them selfe, and do promote
 and helpe a man to the obteynynge of the
 eternall blysse. Al be it truely there be ma-
 ny other morall resons or vertuous & ho-
 neste causes/ whiche a man maye gether/
 partly of the very nature and qualities of
 the dignitie or worthynes of maryage, of
 subduynge or repressynge of bodyly plea-
 sure/ and partly of comlynesse / and partly
 of other circumstances/ whiche were the
 cause/ without doubt/ why these prohibi-
 tions were ordyned. And seing the causes/
 why these thynges shulde be forbidden, be
 so honeste and necessarye: truely the for-
 boddes and lawes them selfe muste nedes
 also be honest and necessary.

¶ But it passeth mans capacitie to entre
 ouer far i to the counsailes of god, beginner

R. y.

and

The syrte

and maker of all lawes. And it semeth to
vs/that we haue proued this matter/and
haue gotten the vpper bande, longe syns.
For if this lawe of Genesis, that a man
shall leaue his father and his mother and
sticke to his wyfe/was shewed to man by
naturall reasone, as in dede it was, euen in
Paradise/and before that man and womā
did syn: If, I say, natural reason did teche
man this lawe, and that accor dyng to the
rules of cōmune iustyce or vertue, as those
causes/whiche we haue reberfid before do
shewe: than surely every one of the Leui-
tical lawes also/whiche al be plainly groun-
ded vpo the same moral and natural cause
that the lawe of Genesis is/ that is to say,
vpon nyghnes of bloudde, and whiche do
helpe moche to chastitie, honestie, and o-
ther vertues/which every good man must
haue, must nedes come vp and haue theyr
auctorite, by the teching of natural reason,
as sone as it was lichtned by the worde of
god, euen as wel as the law of Genesis. In
so moche that who so euer shall breke the
Leuiticall lawes wittingly/ being boūde to
his owne filthy lust & pleasure, we must ne-
des iuge, that he setteth nought/ nother by
the

the lawes of god nor of mā, so that nother
rewardes can moue hym to goodnes and
vertue nor also punysshementes of euerla-
stynge damnacion can feare hym from his
myscheuous lyuyng.

C Fynally and for a conclusion seing that
these Leuiticall prohibitions be ordyned
of god and written to the Iues, partly bi-
cause that the way to such filthy lust of the
body shuld be stopped vp: And that there
shuld be certaine naturall bondes assigned
for maryage, & some meane or measure set
for to maynteine shamsfacidnes & chastitie:
And partli bicause that bi this way loue &
charite shuld be farder spred a brode: For
as saint Augustine saith, this coupling and
lauful cōming to gether of mā & womā is a
planting or sowing of loue & charite: These
for said thinges considered, ther is no man
that is of Chrystes religiō, & beleueth as he
shuld beleue, that wol thinke these Leuiti-
cal lawis to be anulled & takē awai of Chrift
i the new lawe of the gospel: but that they
haue euer kept & holdēfast their olde auc-
torite, & that we be & shalbe euermore bound
to kepe them, yea and that although they
had neuer ben ordined by none other law.

For

The syrte

For seinge loue and charitie is the marke
perfection, and ende of all the hole lawe of
the gossell, and the lawe of the gossell is
the lawe of loue and charitie: and seynge
that Chryste toke moste thought and care
for this thing, to encrease amonge vs loue
and charite: and ageine seing that he hym
selfe dyd comaunde vs, that our iustice and
goodnesse shulde passe the Justice of the
Scribes and Phariseis, And be sucbe iu-
stice as a pure iust man ought to haue, and
our chastite lykewise: Playnely if Chryste
wolde haue excepte vs from the bondes of
these most holy lawes, so that they shulde
haue no power in these dayes vpon christi-
an men, where as we canne not denye, but
they haue had power & strengthe amonge
the Jewes in tyme passed; for sothe besyde
many other absurde and vnreasonable thin-
ges, these. ij. chiefly shulde folowe. The
one, that the olde law, and Moses, the au-
ctour therof, shulde be farre more perfecte
than Chryste, & his newe lawe. The sother,
that Chryste hym selfe shuld seme to haue
giuen more large and fre libertie to fylthy
luste and pleasure euen vnto vs, whiche be
christian men & spirituall people, and that
lyue

lyue by the spirite of Chryste / and by the holy goste, than he did giue before tyme to the carnal Iues. The whiche. ij. thynges, it is euident & playne, that they be most absurd, and as moche agaynst all reason as can be. ¶ For Moses neuer ordained no thinge that doth leade a man immediatly & streicht to any vertue or morall perfection, but the same thing is also commanded or els confirmed in the lawe of the gospel, by Chryste him selfe, other by expresse wordes, or els so, that it might be vnderstande. And al that euer do expoune this place of Matthewe, where he saith, I am not come to breke the lawe / but to fulfyl it, do shewe this thyng as euidently as can be: For al they, with one voyce / and with one spirite or mynde / do agree to this thyng / that as Chryste did take awai none of those lawes, that were but sygnes or tokens / or shadowes of thinges to come, but rather did fulfyl them, and that by. iiii. meanes: Fyrst bicause he did finyshe and ende the fygures of the olde lawe: Seconde / bicause he did performe them in dede: Thyrde bicause he declared, what they meaned: Euē likewise he did fulfyl al the morall preceptes / bothe
as

The syrte

as touchinge the perfecte knowlege and vnderstondinge of vertue & goodnes, whiche he hadde and also taught it vs: and ageine as touchinge the execution and doynge accordinge to the same knowlege: and more ouer as touchinge the relyfe and remedy, wherby he saued mankynde from euerlastyng damnation after the fall of Adam, or els, as Duns saythe, in other wordes, Christe did not take a wey the morall lawe of Moses, but onely did declare it more playnly then the Iues did vnderstonde it, and did make & adde to more perfecte remedies for our saluation then Moses.

For thus sayth saynte Augustine, By cause, sayth he, the Iues vnderstode mans slaughter / to be nothinge, but onely the sleinge of a mans body, wherby he shuld lose his lyfe, & bycause they thought & vnderstod, that adultery or fornication was onely the vnlesfull bodely copulation with a woman / Christe opened & taught, that all and euery ill motion, pourpose, will, or consent to do our brother harme, is compated for a kynde of manslaughtre, and that euery vnlesfull desyre to bodely pleasure is fornication & adultery, Ageyne, THESE proude

PROVD folke/whiche iustify them selfe/
and in their owne conceit thinke them selfe
good, the lawe hath got them in her bon-
des and daunger/ by their gylte and faute
of transgression or breakyng the lawe, and
so the lawe increaseth their syn/in that it
byddeth them to do that/whiche they be
not of power to fulfyll/ and therfore the
iustice or goodnes, that the law doth teche
vs/is fulfylled and perfourmed by the spi-
rite of Christ. And bicause truly it is harde
euen for them, that be vnder the grace of
god/ and be ruled by the grace of god to
fulfyl and vtterly to kepe this, that is wri-
ten in the lawe: Thou shalte not desyre:
Christ became the sacre prest/ & bi the sacri-
fice or offerynge vp his body dothe get vs
perdon/remission/ and forgyuenesse of our
synnes/ and so he dothe fulfyll the lawe
in this poynte for vs/ so that that thinge/
whiche we be not able to do our selves, by
cause of our infirmite and weakenes, is re-
couered & made vp by the perfect goodnes
of him, whiche is our heed/ and al we chris-
tian folke membres to the same heed. For
the hole church of Christ or al christia peo-
ple make one body, wherof Christ is heed.

To

The sytte

TO the whiche sentence agree the also
saint Ireneus. Our lord, saith he, did not
for do the natural preceptes of the lawe, by
the which a man is iustified & made good,
the whiche lawe euen syns it was gyuen,
all they kepe, that were iustified by theyr
saith, and pleased god. Our lord, I saye,
dyd not adnull them, but he dyd extende
and enlarge them, ye and fulfilled them, or
made them perfecte, as is playne by his
owne wordes, which be these. It was said
to the Iues in the olde lawes, thou shalt
not comytte adulterye, but I saye vnto
you, that who so euer dothe loke vpon an
other mans wyfe, with mynde and wyll to
medle with her, hath committed adultery
nowe al redy euin in his harte. All these
wordes truly, sayth Ireneus, do not con-
trarye nor anull these thynges, that were
writen before in the olde law, as they whi-
che folowe Marcion saye, but fulfyll and
make them perfecte / as Christe hym selfe
sayth, Excepte your iustenes and goodnes
passe the iustyce and vertue of the scribes
and Phariseis, you shal not haue the king-
dome of heuen. And wherin, sayth Irene-
us, shuld we passe and excelle the Scribes
and

and the Phariseis: Firſte truly that we ſhulde beleue, not onely in the father, but alſo in his ſonne, whiche is nowe manifeſtly knowne amonge vs. Moreouer that we ſhulde not onely ſpeake well, and after the lernynge of Chriſte, but alſo do accordyng to the ſame, which the ſcribes and Phariseis dyd not: whiche ſomtyme ſpake well, and did not therafter. Laſt of all, that we muſt abſteine, not onely from yll dedes, but alſo from the thoughtes, wylls, & deſires of all euyll. And as for theſe thynges be taught not as contrary to the law, but put them vnto it to fulfyll and make it vp, and to roote in vs the iuſtifications and perfectnes of the lawe. For where as Chriſte did comande vs to abſtein, not only from thoſe thynges, that were forbydden by the olde law, but alſo from the naughty luſtes, deſires, and wyll of the ſame: this thyng is not contrari to the lawe, as we ſaid before, nor breketh not the lawe, but fulfillet and increaſſeth the lawe.

Therefore by cauſe all the naturall preceptes be commune to vs and to them, and we be as well bounde vnto them, as they were amonge them, trewly they had their

R

begyn

The syxte

beginning & first springynge vp/in vs they
toke their ful perfectnes. For truly to sub-
mit our selfe vnto god, to folow his worde
and cōmandement, and aboue all thynges
to loue him/and to absteyne from all euyll
doinge/and all other lyke thynges, whiche
be cōmune both to them and to vs/ shewe
and witnesse, that both they and we haue
one selfe same god, whiche as he did firste
begin such lawes, so he did neuer after ad-
null them/ but dyd fulfyll and make them
more perfect/ and did increase, and inlarge
them amonge vs christians and faithfule.

And to this purpose writeth saint Au-
gustyne also. Certeynly, saith he, no man
shulde doubt/ but that the olde lawe of
god / whiche hath toucht vs suche thyn-
ges, as belonge to vertue and to good ma-
ners, is as necessarye for vs nowe to leade
and instructe our lyfe withall/ as it was at
that tyme to the people of the Iues. For
who wyll say, that that commandement,
whiche is written in the olde lawe: That
who so euer hath founde any thyng/ he
muste restore it vnto hym / whiche hath
losse it, and many other lyke, by the whi-
che we lerne to lyue louyngely and vertuo-
ously

ously, do not belonge vnto vs, that be christian men, and specially the. x. commandmentes, whiche are conteyned in the two tables of stone. For who is so wycked, to say, that he ne wyll kepe the commaundementes of the olde lawe; bycause he is a christian man / and therfore is not vnder the lawe, but fre and vnder grace?

TO the whiche thyng agreeth Marcus Marulus Euangelistarius, seynge; That what so euer is in the lawe, that belongeth to the instruction and ordrynge of our lyfe and of our maners, ought as well to be obserued amonge vs, that be nowe newe men in Chryste, as it was amonge the Iues and the olde men, that were in tyme passed, and that we ought to make it comune with the godspel / and to take it as a parte of the godspell / and that of the moral preceptes, both of the newe testament and the olde / we oughte to saye as Dauid sayth: The wordes of god be tried & pure wordes.

Nor truely it is not with out maruailous great reason, why that moral preceptes of the olde law shulde styll yet endure, & shuld bynde christian men to kepe them.

R. ij.

For

The syxte

For as saint Thomas saith, Every man/ as sone as he is lyghtened by the lawe of god / hath a certayne naturall motion or inclination planted in hym, for this purpose / that he may do accordinge to vertue. for every thinge naturally is inclined to do that worke / whiche is agreable with the propre nature of it : as fyre to heate. Now mans soule / folowinge reason / is the chiefe part of the nature of man / which lichtened with the worde of god , teacheth, that we shuld do thowthinges onely / which of their owne selues be good & vertuos. For truly every mans owne reason, lichtened by the word of god , doth naturally teache hym / that he shuld liue vertuosly and honestly : And playnly / seynge that all morall preceptes in the olde testament do nothyng, but commande vertuos dedes / by the whiche the soule of man may ordre it selfe wel, as it ought to do , not onely to god, but to his neibghour althso: terfore Christ did not adnulle any of these preceptes by his comynge. For euen as the grace and fauour of god / dothe presuppose our nature, yea maketh it full & perfet / so truly the godspel did neuer breke and adnulle the naturall lawes

lawes / but did stabliff be and make them
 perfecte / and brocht them agayne to their
 fyrste perfectnesse of nature , in so moche
 that what so euer morall preceptes of the
 olde lawe, do agree with the lawe of na-
 ture, whiche Paule saith, is written in our
 hertes , do euermore endure and remayne
 in their power and auctoritie , nor no chri-
 stian man is fre and lose from them, but all
 persons / as concerninge the playne vnder-
 stondynge of them, of necessite be subiecte
 and boude vnto them / although they had
 neuer be ordained by no mans lawe. For all
 the lawes of the olde testament / whiche so
 euer agree with the lawe of Nature and
 with vertue , nor do not onely withdrawe
 the hande and body / but also the mynde
 and will of man / why shulde they not be
 receyued amonge christian men ?

For god forbid / that any christian man
 shulde contracte suche mariages / whiche,
 as saynte Augustyne writeth before / euen
 the cruell herbens and barbarous people,
 without all ciuillite hatb for very honetties
 sake, euermore abhorred. The whiche vn-
 lefull marriage Christe dyd so greatly ab-
 horre, that he semed rather to go aboute

The fyrte

to drawe backe the bondes of mariages to the olde and fyrste state of nature whan it was create. And for this cause he brought mariage home agayne to his firste begynnyng/that one man shulde haue but one wyfe, and that he shuld be boude to kepe her euermore/and neuer to put her away: For bycause, saith Chryste, it was so at the begynnyng. and he wolde haue made and brought to passe, if the present miserable wretched state of our exile and banysshing wolde haue suffred it, that there shulde haue ben no foulenes nor fylthynes in the workes of mariage, and that it shulde be euen so/as saint Augustine sayth, it was in the begynninge of the worlde/ **T H A T** all our mariages shuld be so clene/that they might wel become them, that shulde lyue in the felicitye of Paradise/ bothe bauynge childerne, that they shulde loue/ and no fylthy pleasure/that they shulde be ashamed of.

C Furthermore wherto shulde Chryste haue antiquate and annulled the Leuitical lawes/ the whiche streicht after he wolde inspire in to the fathers of his fyrste and prymitive church/and wolde commaunde them

them to make those lawes of newe? wolde
 Chryste haue exempte vs from the lawe of
 god/and that in tho thinges/whiche haue
 so euident and playne token of vertue in
 them, vnto the whiche he wolde streichte
 after that we shulde be bounde/by the de-
 crees of the Church?

CAnd finally/why dydde the sacre holye
 church forbid vs to do those thinges, but
 bicause it iudged them / to be maruaylous
 foule/vnhoneste, and vncleane: But howe
 or wherby may that / that is cleane or ho-
 neste be discerned and knowen a sonder frō
 that, that is foule and vnhonest/ but by the
 cōmandmentes of god? For if the church
 hadde forbydden suche maryages / and
 had iudged them foule and vncleane, for
 none other thinge/ but by cause they were
 forbydden in the olde testament vnder the
 name of ceremonies/as diuerslyte of mea-
 tes/of dayes/and of places/ and suche like
 thynges / as be forbydden in the olde te-
 stamente, it mycht be lesfull to make an ob-
 iection/and to lay agaynst the church that
 thing, whiche is said bi god vnto Peter in
 the actes of the apostols/whiche wold not
 eate of al maner of meates, but did forbere

R. iij.

certeine

The syxte

certayne meates/ that were forbydden in the olde lawe/ vnto whom god saith thus: That thyng, whiche god hath purysied and made cleane/ call not thou it foule or vncleane.

But seinge that the ende, the intent/ the pythe/ the strengthe, the reason of these Leuiticall prohibitions do yet remayne amonge christian men/ & be written in beuen/ & euermore indure: truly a christian man/ whiche doth take vpon him more perfecte faith, hope, & charitie/ than the Iue/ muste be moued to kepe these forbiddynge only by his feith/ & by the holy goste, more thā the Iues by the letter & law. For god forbiddeth that the holy bonde of loue & charite betwene kinsfolke/ that the faste knotte of mariage whiche in no wise ought to be vndone/ & the working of the lyuely trewth and of reason/ whiche naturally moue a man to goodnesse, shulde not be iudged as holy, as cleane/ as vnfilthy, as pure, as chaste, and as well to be obserued amonge christian men/ as they were in tyme passed amonge the heathens/ and the Iues. And god forbiddeth that christian men shulde chaunge the libertie of the spirite, in to the filthines

fyltbines of the body. for if they that flee the foule pleasures of the worlde / for the knowlege of our sauour Iesus Chrifte / be agayne intangled and ouercome with the same / they be in worse case nowe than they were before at the begynnyng. For it were better for them neuer to haue knowen the wey of iustice and vertue / then after that they knowe it, to tourne away ageyn from that thyng / that was geuen to them by a great and a holy commaundement.

¶ Certes if Noes sonne did not escape vnpunished, for discoveringe the foulenes of his father, nor the Egipcians / nor the Chanaanais, for the discoveringe of their owne kynsfolke / and of them that were nigh of their bloudde / for the whiche dede god, by his godly iudgement and sentence / dydde spue them out of their lande, whiche were heathens: Howe shall a christian man auoyde the displeasure and vengeance of god, if he committe the same thinges, that they were punished for. For knowe you this well / and take good hede of it, that no fornicator, nor lecher, nor fyltby persone, shall haue berytage in the kyngedome of Chrifte and god.

R.v.

Nor

The syxte

Nor truly it nedeth not, that our aduersaries shuld dema'de of vs / why Christ did not make expresse mention of the Leuiticall lawes in the godspell, if he wolde haue had them liued and indured amonge vs still after the Synagoge or olde lawe was deed. For truly he did not make expresse mention of them, by cause he hadde comaunded longe before, that they shuld euer to come continue / and neuer sayle / seeinge that he dothe abhorre suche fylthy mariages / and curseth them not onely amonge the Iues, but also amonge the heathens / meaninge / that he will moche more abhorre them, if they be amonge chrystyen men.

And bycause he did commaunde playnly in the godspell / that the iustice and goodnes of vs, that be christians / shulde passe the iustice of the Scribes and the Pharyseis / where in a generall rule that we / which be called christian men, shulde not be wors in any thing then the carnall people, but that we shulde be better then they in all poyntes.

Nor we must not thinke / that no thinge is forbid bi the law of god / but that which

is expresse and plainly set out in the gospel.
For the apostols write and publishe many thynges, whiche they toke of the very mouth of Christe/ and yet they be not written in the booke of the newe testament.

¶ And the catholike and vniuersal church hath approued many thynges for goddes lawes/ of the which there is neuer a worde spoken in the newe testament, as is this.
That confession in no case ought not to be disclosed, and suche other thynges. For so doth Dunse also proue/ that the secreete confession in the eare is of the lawe of god, not bi cause it is written in the newe testament/ but by cause it can not be shewed/ whan it was fyrste begonne. Playnly it is heresye to affirme, that there is nothyng goddes lawe, but that, whiche a man may poynte vnto with his synger in the newe testament. For by this meanes the sacramentes shulde be taken a wey, & shulde be receyued onely by the constitution of man. Nor truly there is no mention made in the new testamēt of the forbidding of mariage betwene the father in law and the daughter in lawe, whiche thyng neuerthelesse to be forbidden by the lawe of god / saynt
Dise

The syxte

Pierome doth testifye.

C And also if our aduersaries wyll stycke and holde them to this, than let vs occupie vsurye/and lette vs gyue money by exchange/ and require it ageyn with vsury, lette vs also haue many wyues/ and lette vs couple our selfe with al maner of bestes/ nor lette vs not paye the tythes of all our frutes to the prestes/ nor let vs not confesse our synnes to them / nor lette vs not go to them/whan so euer there is any doubte betwene bloudde and bloudde/betwene lepri and no lepri. For there is none of these expressly commaunded or forbydden in the godspel, or in the wrytinge of the apostols/ but for to bynde vs to the keping of them, be cyted and alledged the wrytynges of the Prophettes.

C But this thyng byd lyghtly deceyue them/ that be ageynst the libertie and freedom/ whiche we haue by the gospel, because they did not knowe the difference betwene the newe testament and the olde/ the gospel and the lawe, Christe and Moses: whiche if they had knowen very wel, they shulde not haue ben so foule deceyued and bynded in this matter. And contrary by
cause

cause they did not discusse them, and seke them out to the vttermoste/nor did ponder and way them so diligently as they shulde haue don/ we se / that by this meanes they were brought in to this errour / that they thought/ that every thinge, whiche is not expresly forbidden in the newe testament, is lausfull for christian men to do. By the whiche errour, we do thinke / that the same man of Cozynth was deceyued / whiche maryed his stepmother. For seynge that he harde the lybertie of the godspell / by the whiche we were made free from the lawe of Moyses/ greatly commended and preysed of the apostols/ and knewe that it was forbydden by no lawe of the godspell/ to marye whome so euer he wolde, streychte he, abusynge the sayde libertie, dydde agaynste the Leuiticall lawe/ marie his fathers wyfe. But he was mooste ryghtfully condemned of Paule/ not only bycause he had broken Moyses lawe / whiche forbiddeth it, but bicause he was disobediēt to the honestie of nature/ whiche naturall honestie the godspell hath euer aproued. and it shuld be luche a pestilēt example of a mooste leude libertie amonge
christian

The fyrte

christian men/as euen amōge the heathen/
bycause of the reuerence of nature , could
in no wise be suffred to be don.

CAND TRVELY HITHERTO, most
gentyll rede, we haue serched out the ho-
ly secrety of the scripture of god, deuoutly
and reuerently, for this intent onely, with
peyn and labour to seke out and to mayn-
tein the truthe, and suche argumentes and
reasons / as seemed after our iudgement to
make most for this matter, we haue soucht
them oute of the definition and very sub-
stance and nature of those thinges, that we
treate vpon, wherby thou mayst playnly
perceiue/moste gentill rede, that these Le-
uiticall lawes / whiche forbydde / that we
shulde marie our brothers wyfe / be the
lawes of god. And more ouer lawes mo-
ral/ longynge to vertue and good maners/
and not iudiciall. And this is no doubte/
seing that they haue in them naturall rea-
son/ fetched from the begynnynge of the
worlde, euen out of the secreete ordinaunces
of nature. For we haue proued by the au-
thorite of god/ or of holy scripture, that as
it was ordyned of the moost beste mynde,
which

which is god/euen so it was ordained vpon
the moost beste reason and consyderation:
that is/ onely for a zeale of chastite/of natu-
rall shamesfacidnes/and other vertues/that
no man shulde marye his brothers wyfe.
we haue shewed howe agaynste nature/
howe fylthy and abhominable it is / and
ytterly vnmete for a christian man/to con-
tracte mariages in that degree. we haue
shewed howe greatly contrary it is to the
ordre of loue / and of the reuerence, that
shulde be betwene kynfolke/ and what a
confusion it shulde cause of names of kyn-
rede, & how moche it is ageyn the increase
of loue & charitie: we haue shewed / that
holy & deuoute christian eares/do abhoire
it/and can not suffre to here it spoken: we
haue shewed / that besyde the great pu-
nishmentes and vengeaunce, that god tak-
eth on men in this lyfe, that also the pu-
nishment of the euerlastinge fyre of helle
abydeth them/ whiche be not afrayde to
commit this syn. By the whiche reasons
without doubte it is euident and playne,
that these Leuiticall prohibitions be the
lawes of god/ and morall/ bicause they com-
mande those thinges to be don/ that be ho-
nest:

The fyrte

neſte / and forbydde tho thynges; that be
foule and inhoneſte, and ſuche thynges;
as the naturall reaſone of man clered by
the lychte and bryghtnes of the worde of
god / ſheweth / that they ought to be done /
or not done, accordynge to the rule of ge-
nerall iuſtice / otherwyſe calledde vertue
and honeſtie, and ſo they be of ſtrengthe
and auctorite to bynde man to kepe them,
euen by the inſtruction of reaſone / ſo il-
lychtned and reſtored / and that, though be
they were neuer commaunded by none o-
ther lawe.

The seuenth Chapter.



Dwe seying that the commun
consent of all wryters and ex
pouners of mannes lawe and
goddes lawe, specially those
that be approued by the iud
gement of the church hath stedfastly hol
den and obteyned, as a thyng to be taken
for a treuthe, that all the morall preceptes
of goddes lawe, do yet indure sacre and
holye and by the lawe of god do bynde
vs so streytely and of suche necessite, that
they be not vnder the power of the church
and that no persone, vnder god hym
selfe, can release the streite bonde of them
and lose from them whom it pleseth him:
Truly it is euident, that no pope can bi any
dispensation giue licence that a man shuld
mary her that was his brothers wife: the
whiche, as we haue shewed you before, is
forbiddē and that the prohibicion is both
the lawe of god and the lawe morall grou
ded vpon honestie and vertue. But bicause
that this our conclusion may stonde yet the
more stedfastly ageynst al cauillacions false
accusations, and ynrichtfull out cries and

The seuenth

sciaunders of all persones/ we wyll assaye to declare & stablysh the these thynges more largely/ bothe by other reasons/ and by other sayenges of auctours. In the whiche thinge we be all mooste ouercome with the multitude and great noumbre of them/ so that scante we can telle, where we shall fyrste begynne.

But let this be the fyrste/ That all preceptes/ whiche be commanded by the lawe of god/ & the law moral/ do bynde vs to do them/ so that without remedye we muste nedes kepe them, if we wyll be saued. For suche comādemētes do so expresse and declare the minde of god, our lawmaker, and be so grounded vpon the precise rule and teachinge of comūne iustice (whiche rule of comūne Justice or vertue came of the wyll of god/ that is mooste iuste/ and mooste beste, to forme and ordre vniuersally the maners and lyfe of man) and finally haue so moche of the nature of very true vertue in them, that there can chaunce no case, nor no reasonable cause be imagened, but that if we do contrary to them/ streicht waye we do contrary to the wyll and pleasure of god/ whiche specially regardeth the commūn helth
and

and saluation of all/ and do peruerter and
tourne vp sette downe the ordre of verye
richt and honesti; destrue al the nature and
course of vertue/ and synally it can not be
chosen, but that we muste falle soulye and
wretchedly into shamefull vice and synne.
In so moche that what so euer pope wyll
go aboute to dyspense with the bonde of
them, he truely shall do nothinge els/ but
peruerter the ordre of iustice, or vertue/ and
breake the course of vertue, and giue leude
liberte to synne/ that is, to abuse his aucto-
ritie and power to destruction/ not to buyl-
dyng and settinge vp/ contrari to the say-
enge and mynde of thapostol. For thus vs-
synge his power, he shulde destroye ver-
tue/ and set vp vice. For what licence can be
gyuen? or what recompense can there be,
for this, that a man might haue libertie to
synne/ and not to kepe hym selfe from vice?
what perdon or dispensation can there be,
that god shulde not be worshypped/ and
it to be no synne? what cloke or colour can
befounde, that a man mychte commytte
adulterye, but that the selfe same colour
shulde tourne vp so downe all vertue/ and
publyke iustice? what power maye make it

The seventh

lawfull for vs to murdre and steale, these thynges kepyng their names / and theyr natures of murderynge and stealynges

Nowe then seyng that nothyng can pertaine more to the .x. commandmentes, nor more strongly moue the iudgement of the right reason, then can natural reuerence, the holynes of chastite, the increase of loue and charite, the holy kepyng of mariage, shamesacydnes and loue towarde them, that be of our blood and our affinite, and finally al other vtues, whiche as we shewed sufficiently before / were the cause, that these prohibitiōs were made, we ought to beleue, that with them truely the pope can in no wise dispense. And this thing is easie to se, bycause that the reason of these Leuitical lawes is suche, that in no case it can not be disseuered from them, by cause the reason is grounded vpon suche naturall vertue and honestie, whiche must neuer be leste yndone. yea and seing that now there is suche multitude both of mankynde and womankynde, there can be no case imagined for the breakynge of those prohibitiōs, whiche for any profet or nede, shulde do so moche good, as is the goodnes, that cometh

cometh by kepinge of the same.

Cyea and more ouer / many wytnesses of scripture do euidently proue , that in these thinges / whiche be commaunded by the morall lawe of god, we shuld euer do and teache that , that is comaunded : hauynge no regarde of sclaunder or of necessite. amonge the whiche be these places chiefly, **HE** that loseth any of these least comaundementes / shall be called the leaste in the kyngdome of heuen. Agayn this. **IF** thou haste brought thy offerynge vp euen vnto the altar / and there doste remembre , that thy brother hath any thinge agaynste the, leaue thy offring there, and go thy wayes / and fyrst reconcile thy selfe to thy brother / and be at a grement and accorde with him and then come and offer vp thyn offringe. Also this place, **LET** the deade bury the deade. Agayn / **IF** you knewe what this is that god sayth, **I VVIL** haue piete/mercy and compassion, loue and charite / and not sacrifice, you wold neuer haue condemned the innocetes or the faultles. **Jtē**, **VVHER** fore do you breake the commaundement of god / for your lawes traditions and teachinges. **Jtē**, **COME** bebynde me **Sata**

The seventh

nas. for thou sauerest tho thynges, that be of man & not of god. Item, SCRIPture may not be losed or dispesed with. Item, THE propheticall scripture belongeth not to the interpretatiō of man, and suche like. Of the which placis it is euident & playn, that no seruyce or obedyence, no sacrifice nor offering, no werke, be it neuer so good to our syght and fantasie, nor no tradition or ordinaunce of man / is acceptable to god, if that it withdrawe vs by any maner of thyng / from the obseruation and keepinge of the commaundementes of god / and the moral preceptes, as these Leuiticall prohibitions be.

¶ And these thynges saynt Lyprian also, proueth, and confirmeth, beside those auctors, that we haue reberfed before. For he saith, it is necessary, that in al our werkes we be subiecte and obedient to the commaundementes of god, nor no man for fauor or respecte to any person in suche thynges may graunt any perdon, where as the law of god commaundeth the contrary.

¶ Also Basilus proueth the same. By cause, sayth he, that amonge all causes, that chance amonge vs, whether they be i
wordes

wordes or in dedes, some be distinctly determined in holy scripture, bi the worde of god, some be passed ouer and not spokē of at all: As for those, whiche be wrytten in scripture/there is no licēce at al graūted to any mā, either to do that, that is forbydden, or to leaue that yndon/whiche is commanded. For our lorde him selfe hath gyuen this commandment, and sayth vnder this wise / AND kepe thou this worde/ which I cōmand the this day. Thou shalt nother put any thing to it/nor thou shalt not take any thing from it. yea and moreouer there shalbe a terrible expectation of the day of iudgement/and of the fyre/that shall come from heuen, whiche shall consume all them/which haue ben so bolde to do any suche thinge. ¶ And the said Basilus in another place saith, That he, whiche is a p̄sident/ & a spiritual ruler ought to be as a minister of Christ/ & a distributor & almosynar of the misteres of god/ & to fere lest he shuld other speake or commande any thinge beside the will of god/and beside that/whiche is evidently cōmanded in holy scripture, lest he shulde be founde as a false witnesse of Chryste/ or a thefe of sacre

The seuenth

holy thinges, other bringyng in any thing, which is strange vnto the doctrine of god, or els leauinge out some of those thinges, whiche be to the pleasure of god.

Also saint Ambrose maketh to this purpose, for he, expouninge, in the .iiij. of Genesis, the answer of Eue, sayth thus. The proces of all this present lesson teachetbe vs, that we oughte nother to take awaye any thyng from the commaundementes of god, nor yet to putte more vnto them. For if saynt John gaue this iudgement of his owne writynges, saynge thus, IF any man shall adde vnto them / god shall cast vnto hym those plagues and vengeance, whiche be wrytten in his boke of reuelations: and who so euër shall take away any thinge from the wordes of this prophecye, god shall wpe his parte cleane out of the boke of lyfe: Howe moche more muste we be ware, that we take away nothyng from the commaundementes of god, nor put nothyng to them?

Also saynte Barnarde maketh for this pourpose. I vnderstonde, saithe he, that thinge to be so necessarie, that it can not be broken, not that, whiche is ordined by man,

manne/ but by god/ and can not be chaunge
ged in any case/ excepte it be by god/ whiche
made it.

C And a litell after / in the same boke/ the
said saint Barnard saith, That he, whiche
is of lesse power, can not dispense in those
thinges / whiche be ordyned by hym/ that
is of greater power.

C And also pope Fabian maketh for this
purpose. He truely, saith Fabian, that
dredeth god, doth not consent in any wise/
to do any thinge contrary to the godspell,
contrary to the apostols/ contrarye to the
Propheetes, or contrary to the ordynaun-
ces of holye fathers.

C Also in this thyng agreeth Isidore,
and saythe: If that he, whiche hath rule,
do him selfe, or commaunde any other to
do/ any thyng/ that is forbydden of god/
or els if he do leaue yndone, or bid any man
leaue yndone that, whiche god hath com-
manded: the sayenge of the holye apostoll
saynt Paule muste be reuersed vnto hym,
YEA if we our own selfe/ saith said Paule/
or an angell of heuen do teache you any o-
therwise/ than we haue toucht/ cursed be he:
And if any man do forbid you that, which

S.v.

god

The seventh

god hath commanded you, or agayn both comande that, whiche god hath forbiddē, cursed be he to all them, that loue god? Finally if any man do speake or comaunde any thyng besyde the wyll of god / or beside that god doth teche, speke, or comand euidentely in holy scripture / lette hym be taken for a false witnes of god, and a thefe of tho thinges, that be holy and sacrate to god. Therefore whan the subiectes be excommunicat, for bicause thei can not be cōstreined to do yll / than they oucht not to obey that sentence of excommunication. For as Gelasius the Pope saithe: An iniuste sentence dothe bynde no man, nother before god, nor before his church.

This also witnesseth pope Urban. Ther be some truly, sayth he, whiche say, that it hath ben euer lesfull for the pope of Rome to make newe lawes: the whiche sayenge, we do not onely not denie, but also we do greatly affyrme / and approue. yet for all that, we ouchte to knowe / that he maye make new lawes vpon tho thingis / wherof the euangelistes nor prophettes haue not spoken before. But where as our lorde and his apostolles / and the holye fathers / that folowed

folowed them/haue determined plainli any
thing:therypō the pope of Rome oucht to
make no new lawis/but rather to cōfirme ⁊
mainteine that is dertermined euen to lese
his lyfe/ ⁊ spende his bloud for it. For if he
wolde go about to destrue that/which the
prophettes/ ⁊ apostols haue toucht (whi-
che god forbyd) he shuld be proued not to
gyue sentence but to erre and to do amisse.

This also proueth Marcellus. The ca-
tholike and yniuersall church, sayth he,
doth defende and mayntaine all that euer
is faultles/ but as for a wronge iudgement
and a wronge determination/ made of the
iudges, for feare of the kynge or by his cō-
mandement, is to none effecte. For truly
that, that is done ageinst the teachynge of
the gospels/ or of the prophettes, or ageinst
the teching of the apostols/ or ageinst their
cōstitutions ⁊ ordinances, or of the holy fa-
thers can in no wise stāde/ and haue place.

Innocētius also doth affirme this same/
wher he saith, that he, which doth know/
that the womā, with whom he shuld ma-
rie, is of his owne bloud/ can not obey with-
out deedly sin to the iudge, that cōmādet
them to dwell to gether, Therefore if a man
shulde

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shulde do ageynst god/ obeieng the iudge/ whan he commandeth: moche more then shulde he do ageynst god, solowynge onely the dispensation and licence of the iudge.

CSaint Thomas also is of the same opinion. for he in many places of his werkes, which partli we haue afore rehersted, doth plainly shewe/ that the prohibition of marriage/ as concernynge degrees of consanguinite and affinite/ whiche be expressed in the olde lawe, do belonge to the naturall and morall preceptes. And that the pope can in no case dispese with those thinges/ whiche belonge to the natural law/ and to the lawe of god.

Cwith saint Thomas agreeth Alexander de Hales, Dunse, Richarde de Media villa, Durandus, Albertus magnus, Franciscus Maro, Gerson, Gabriell Biel, Verueus, Jacob Almain, Barnardus de Trilla, Antoninus Florentinus/ and many other beside these/ whiche playnely do saye, and holde stiffely/ that it can not be proued by no good richt/ that the pope can in ani case dispese with any of those prohibiciōs/ that be made by the lawe of god and by the lawe of nature. For they saye, that it is
not

not resonable, that they/whiche be of lyke power/shulde haue power one ouer the other/thā it shuld be moche against reason/that the inferior shulde lose or dispense with that the superior hath bounde: or bynde men to that thinge, whiche the superiour hath not bounde men vnto.

¶ FVRTHERMORE besyde these reasons of natural honestie/shame, and reuerence/whiche we haue shewed afore, another cause of this Leuiticall prohibicion, That a man shuld not marie his brothers wife/ is the wyl of god, whiche is the very and trewe Justice. For god wyll not this thinge or any other, bycause it is iuste and richt, but therfore it is iuste and richt/ bycause god wyllleth it/ as saynte Augustyne saith. Therfore seyng that from this dede, nother the ylnes of it can be taken awaye/ nor any goodnes put vnto it by any other maner of meanes/ but that the mynde and wyll of the lawemaker must be chaunged: truely there can none dispense with suche lawe/ but he that shalbe able to chāge also the wyl and minde of the lawemaker. For the dyspensation causeth, that he, with whom we dispense/ is not bounde to that thinge

The seuento

thinge to the whiche before it apered that he was bounde by the wordes of the law. But no pope of Rome can change the wyl of god. For he seinge he is Christis vicar, oucht to folowe Christe, & to do as Christe did, and not to contrarie him in any thing, nor in any thyng to swarue from his doynge: and Christe nother did nothing, nor sayde nothinge but onely that he had taken of his father, nor brake nothing of the whiche his father commanded and wolde haue done. And seinge that the pope hath taken of Christe, shepe and lambes to fede with the lernynge of the church, or of the gospell, and is onely made a minister and Almoysnar or dispenser by Christe of the sacramentes, which be ordained of god and Christe, Finally seynge our lorde did commaunde hym to teache all men to kepe all maner of thynges, what so euer he hadde commaunded them: god forbyd, that the Pope of Rome shulde thynke it lesfull for hym to chaunge the wyll of god, and that he hadde power to couple those persones to gether by mariage, whom the law of nature & of Moyses, wherof god him selfe is the auctor, hath forbiddē to be coupled to gether.

gether. For if he shulde do it, plainly he
shulde not be that blessed and saythefull
almosynar and dispenser of the worde of
god, gyuynge in tyme measure of corne/by
the whiche mens spirites shulde be refres-
shed, and their soules shulde lyue, but he
shulde rather be a wretched vnhappy wa-
ster and a spender, that shall be cast out in
to extreme darkenes/and shulde be the en-
uious felowe, whiche sowed amonge the
good corne/that is to say/i the scripture of
god plenty of Lockel or Darnel/and suche
other wedes/ whereby the soules shulde
waxe lene and periss he for euer. For Christ
him selfe saith, HE, that hath my COM-
mandemêtes/and kepeth them, that is he,
that LO ueth me: and he that LO uith me
not/ doth not kepe my commandementes.
¶ Upon the which sayenge Lyril writeth
thus. These thinges, saith he, hâge meruci-
lously well to gether/so that the tone must
nedes folowe of the tother. For if to kepe
the cōmandmêtes of god, is to loue god, it
must nedes be/ that to breke the cōmande-
mēt] of god/ is to hate god. and seing that
no mā can loue god, and breke the cōman-
dementes of god: howe then by any maner
of

The seuento

of iuste and lausfull cause maye the Pope
gyue lycence, that a man shulde discover
the foulennesse of his brother/ the whiche
bede nature and the lawes of god do ab-
horre? except he wyl runne into that moost
rychtefull condemnation / whiche Paule
threteneth them/ whiche do euyl thynges/
that there may come some good of them.

CTruely pope Zosimus saythe/ That the
auctorite of this seate of Rome can change
nothyng ageynste the decrees of the holy
fathers.

CAlso pope Leo writeth to Anatholius
and saith, that the ordynaunce of the Ni-
cean counsaile coulde in no case be dispen-
sed withall at any tyme.

CAnd so Isodor, in the boke of the coun-
cels, citeth/ that pope Damase sayth : Bi-
cause that suche persones may (and that
not without reason, sayth he) be thought
to blaspheme and speake vnreuerently a-
geinst the holy gost/ whiche constrained by
no necessite/ but of their owne plesure / and
of a frowardenes/ do take vpon them any
thinge, that is ageynst the holy canons, or
els consent willyngly to other/ that wyl do
any suche thyng. Therefore the rule of the
holy

holy canons/ whiche be consecrate by the spirite of god/ and by the reuerence and allowyng of al the worlde/ we oucht faithfully to knowe, and we must handle them diligently, lest that we do breake by any meanes (whiche god forbyd) the statutes and decrees of the holy fathers, without ineuitable necessitie.

CAnd the selfe same Pope Damas wold not take vpon him to determine the cause of Bonosius the bis hoppe, by cause that the Synod of Lapua had committed it before to be examined of other iudges, playnly shewynge, that it was not his parte to medle with those matters, in the whiche the Synode had medled before.

CAnd finally pope Hilarius wolde haue his decrees confirmed by the counsell.

CBy all the whiche reasons it is euident and playne, that euin in those lawes/ whiche be only the constitutions and ordinances of the holy fathers, the Pope can not dispense without in euitable necessitie/ and suche necessite as can not be other wyse auoyded. Nor truly it is not conuenient for a prince or a reuler to desire to abrogate

E

and

The seventh

and adnull without consideration & cause/
that thinge, that a nother prince or gouer-
nour hath ordyned with great studie and
peyne, and for weighty causes: howe mo-
che lesse than ought that to be suffred/that
other the pope him selfe doth ageynst the
lawe of god, or gyueth lycence to other
men to do it? Specially seyng it is not
founde in no place of goddes lawe, nor yet
in the ordynances of the fathers/ that any
suche power is graūted to the pope.

For by these wordes, **VVHAT** so euer
he shal lose vpon erthe, shal be loosed in
heuen. And **VVHAT** so euer he shal binde
in erthe, shal be bounde in heuen/ he hath
doubtles power giuen him: not wherby he
micht reuoke the lawe of god/ or breke and
dispense with any parte of it: but he hath
power to bynde mennes synnes/ and that
not generally and in all cases / but fyrste it
muste be supposed/ that he vseth his Keye
with such discrecion and richt iudgement,
as he ouchte to do. Therefore Christe, be-
fore he spake these forsayde wordes/ sayde
thus as folowethe: **I, SHAL** gyue the,
the keyes / that is to saye / **I** shal gyue
the power to discerne and iudge leprye/
from

from no leprosie/and power to lette in / and
 shutte out from the kyngedome of he-
 uen, all suche as thou haste so iudged by
 rychte. And nowe, what discrecion / and
 rychte iudgemente shulde this be / if the
 Pope wolde take vpon hym for to coupul
 to gether in mariage, by his dispensacion
 those persones, whome the lawe of god
 & of nature doth forbyd to come together,
 seyng, GOD hath commaunded; that
 his commaundementes shulden be kepte
 to the vttermoste poynte? Truly though
 in the orderynge of those actes / whyche
 of them selfe be indyfferent / and nother
 good nor badde / his Keye of power in a
 maner reuleth more thanne his Keye of
 lernynge and scyence: yet for all that / in
 the determinacion and orderynge of thoo
 thynges / that pertyne to our beleue / to
 honestie / to vertue / and to good maners /
 it is contrary. For in these thynges his po-
 wer determineth nothing, but that lerning
 hath determined / & power here oucht in al
 cases to be ruled & ordred by lerning. For
 here if power in the least thing that can be,
 be contrarye to the keye of LERNynge,
 that is the cnowlege of the law of god / the

E.ij.

determi-

The seuenth

determination shulde be nothinge worth. For if the Pope wolde by any maner of power determyne any thyng other wyse than lernyng, that is the knowlege of gods lawe/wolde haue it be determyned, othter in our sayth, or in good maners: his determinacion shulde be vtterly nothinge worthe at al/yea it shulde be lesfull for euery christian man, that knoweth this/to crie out ageinst it/and all to be spyt & be spue it/and to reprove and damne it as hereticall. For if any power do commaunde the to do any thinge, that thou oughtest not to do/then doubtlesse contemne and dispice that power, as saynt Austine sayth. For, saith he, take hede of the degrees / that be in worldly thynges. For if the Mars hall of the hoste bidde vs do any thyng/shall we do it/ if it be ageynst the grande capitayne? Agayne, if the graunde Capitayne byd vs do any thinge, and the kynge or Emperour commaundeth vs to do a nother/dost thou doubt/ but that we muste obey the comādemēt of the kynge or the emperour/and contemne the comādemēt of the grande Capitayne? Therefore if the kynge or the emperour bydde one thinge/and god an othter

ther, we must obey god, & contene & not regard nother kyng nor emperour. Therfore we may not thinke/ that the Popes licence in the degrees forbydden by goddis lawe, is iuste and a richtfull dispensation? but rather an vnrichtfull and an vnresonable dissipation / and mysorderynge of the lawes of god. For truli god doth not alowe such maryages, whiche be ageynste his owne lawe/ nor yet suche ouchte not to be called trewe mariages. For that oucht not to be iudged mariage, whiche is made ageynste the lawe of god. But when it is ones known/ it muste nedes be amended, as saynte Ambrose sayth.

¶ YEA AND besyde al this, though we wolde euen graūt neuer so moche, that the popes haue ben wont of custome to put to, or to take away from the lawe of god/ and so to make expositions & restreyntes vpon goddis lawe: yet for all that the doctours of the lawe do thynke/ that it is lesfull for them/ but only in .ij. cases.

¶ One case, whan that one lawe of god is expounded and restreyned by an other lawe of god / as this commaundement, THOU shalt not slee/ is lymytted and ex-

l. iij. poned

The seventh

pounded thus/that it is lesfull to slee mysdoers. **C**An other case/whan the pope of a iust and a lesful cause, and suche as is without synne/doth put to/ or take away some parte/from the lawe of god, as to this commaundement: IN the mouth or wytnesse of. ij. or. iij. standeth all the prose, the pope for a iust cause, yseth somtyme to put more wytnesse than. ij. or. iij.

CBut the pope can by none of these. ij. weyes expoune or restreyne this Leuiticall commaundement, That a man shulde not marie his brothers wyfe. For all thoghe that it was limited and restreynd before tymes of god in the Deuteronomi, yet for all that bycause afterwarde the sayde restraint was taken away of god bym selfe by the cominge of Chryste: truly the pope can not brynge vp agayne nowe in these dayes the same restreynt. For if the pope now of dayes coulde by dispensation cause/ that a man might mary after the law of the Deuteronomi, his brothers wyfe, whiche dothe dye hauynge no issue, for to reyse vp sede to his brother: without doubt he shulde make christian me at this day to folow the Iues cerimones & superstitiousnes/which
the

the pope can not do, no more then he can
cause that we shuld kepe their sabbat dai/
or that there shulde be circumcisyon, as
saint Gregory saith. After that the grace
& fauour of almightie god appered, the cō-
mandmētes of the law/which were spoken
bi figure & mystically/ can not be kepte, as
we haue shewed you before of the sabbat
day/ & of circūcisiō/ & other figural or mysti-
cal lawes, as is also that cōmādmēt of the
Deuteronomi, That we shulde marie our
brothers wyfe. wherfore if the pope wold
brynge vp this nowe amonge vs christian
men/ he could not. For he can by no meane
bringe vp ageyn the customes and ceremo-
nies of the Iues/ whiche were abrogate &
clene taken away bi the cōming of Christe.
This saint Paule proueth, saying, IF you
be circūcised/ Christ shal pset you nothing
at al/ which did speke ageinst Peter to his
face/ bicause he cōstreined the gētils to fo-
lowe the Iues ceremonies. And also saint
Thomas saith/ that whan thapostol doth
publiss be the law of god, it is nat lesul for
the pope to dispense/ as for an exemple,
where the apostoll sayth, IF you be circū-
cised/ Christe shall profette you nothinge,
L. iij. whose

The seuenth

whose sayenge also Joannes de Turre cremata doth folowe. Therfore the pope can not restreyne this Leuitical lawe in the first case, that is, by cause it is restreyned by the Deuteronomi lawe/whiche is but a mysteery and a ceremony.

CAnd agayne in the seconde case, that is to say, for a cause or consideration the pope can moche lesse dispense in this Leuiticall lawe/seynge there can be no cause founde lesfull inough, and that shulde be without synne/for the whiche he may dispense. For to discouer the foulness of our brother/is in the maners of men foule and shamefull/and suche couplynge is called incest: and incest is as greuous a synne as can be. And therfore playnely euin as the pope can not dispense, that a man may commytte adultery/or to kepe a concubyne or leman/or to haue many wyues at ones, and in suche othelike, by cause they be of them selfe, and by their owne nature, euermore yl and noughty; so nother in this kynde of incest marriage, where as is deadely synne after the law of god/ther can be no cause founde/whiche can excuse that synne. For seynge that honestie is cause of this prohibition/
whiche

whyche is the contynuall companyon of mariage, this kynde of mariage playnly is to be thocht so euyl in the maners of mē, and also so myscheuous in example/ that it can not be mainteined in no case, nother by man/ nor by aungell/ nor by apostoll, nor by any apostollyke man.

Nor let not the Pope here lay ageynste vs his full power. For we graunt/ that the Pope hath in dede a fulle power, and not yet all thinge so full as the worde souneth: so that this full power shulde be able to do any dede that is possible to be done, or any thyng that hym lustetbe to do/ as though there were no superior. For suche power is onely mete for Chryste, according to that sainge of Chryste, VNTO me is giuen all power bothe in heuen and in ertbe/ but this power of the Pope is restreyned and drawen in/ to tbo thinges/ whiche belonge to the pastorall or sheperdly cure of soules. And for orderynge of this power/ bycause the pope is nat suche one/ that can not synne, nor is not consyrmēd in grace/ Chryste hath made his rule of the godspel/ after the whiche the pope shulde order all his doynge: from the whiche rule of the

I.v.

godspel

The seventh

gospel if the pope wolde vary and swarue,
and wolde graunte any thinge, that shulde
be contrary to the preceptes of the same
godspell/ he doth not followe that power,
that god hath gyuen hym / nor god doth
not approue that, that he doth. ¶ And as
for that, whiche Pope Innocent, & Pope
Nicolas do saye, That it is not lesfull for
any man to iudge of the iudgement of the
seate of Rome/ nor lesfull for any man to re-
uoke or reuerse the sentence or iudgement
of that seate / for bicause of the preemy-
nence of the churche of Rome: This say-
inge of them ought not greatly to moue
vs. For we thinke/ that tho wordes muste
be vnderstonde thus: That it is not lesfull
for any inferior power to reason vndiscret-
ly on the iudgement and determination of
that seate/ nor to affirme and holde openly
any thinge cōtrary to that determination:
excepte that it be euident and playne / that
the iudgement of that seate be erroneous
& wronge (As master Gerson writith) And
that it is not lesful for ani inferior person, to
iudge as it were by auctorite vpo the iudge-
mēt & determinaitiō made bi the pope, & as
though he had iurisdiction & power over
the

the pope, for bi cause of the preeminence of the seate of Rome. But if that any pope do decre any thing ageynst the lawe of nature and goddes lawe: there if any mā do iudge & reson of his determinatiō & iugemēt wisely/ discretly/ & clarkely, & not as it ware by auctorite/ & doth labor with all his might/ that his sentence & determination maye be reuoked and called agayne: This thynge is (as we thynke) so far of from sacrilege/ pride/ and presumption/ or any other vice/ that we beleue/ there can be nothinge more godlye or more nere vnto the religyon of Christe. For doth not the Churche oftentimes by recht and good lawe/ reuoke correct and reprove the dedes and determinations of the Popes/ whiche haue not bene very wel and conueniently done of them, or dothe it let to chaunge them and make them better? yea furthermore, bath not al so meane biss hopes resisted & withstōde the wronge & vnreasonable sentencis & cōmandemētes of the popes/ not regardinge their cursynges/ excomunicaotins, & al punisshemētes/ that the churche doth vse? And by cause we will not seke far in histories for an exemple in this matter / we shall shewe
you

The seuenth

you a thinge or. ij. that was done here in
Englande and in Fraunce here by.

CLaurentius, successor to Austine in the
archebyssbopprike of Canturburye, after
that he had cursed Edbalde the kynge, for
marienge of his stepmother, coude not be
moued by no prayenge nor requeste of the
Pope, nor by drede of cursyng, to absoile
the saide kynge, tyll he had renounced, and
forsaken that fyltby and incest mariage.

And Dunstan, archebesshop of the said
seate, folowinge the forsayde Laurence, af-
ter that he had excommunicat and cursed
the erle Edwyn, bicause he had married his
brothers wyfe, coude not be moued by no
meanes to obei the pope, that desired him,
charged and comanded hym most sharply
and streitely to assoyle the sayde Edwyn:
yntyl he hadde forsaken his vnlesfull wyfe.

And more ouer it is written, that he was
euer wot to haue this saieng in his mouth:
GOD forbid, that I shulde, for any mor-
tall man, not regarde the lawe of my god.

And thus also Sampson, some tyme
archebisshoppe of Rein, had lequer haue
suffered the most extreme punisshementes,
that coude be, and al ieopardies of excom-
muni-

municacion and cursynge: then he wolde anoynte Alam, douchter to the erle Theobald/for quene, whom at that time Lewes the frenche kynge had maryed/bycause he hadde diuorced before/ Alams syster from Philip, brother to the sayd kynge Lewes, by reason of consanguinite.

And no lesse worthy to be remembred is that/whiche Grosseheed/somtime biss hop of Lincolne dydde. For when Pope Innocent wolde haue constreyned hym to make the Popes neuu a canon / whiche was an vngracious felowe, and ytterly vnworthye and vnmete/ he wrote ageyn these wordes. There can no man, sayth he, beinge subiect and feythfull to the seate of Rome / with cleane and pure obedience / and not cut of by diuision from the body of Christe / and from the same holy seate, obey suche commaundementes or any other maner enterprises/ from whense so euer they came, yea and though it were from the highest order of aungels, but he muste and is bounde of necessitie both to speake agaynst them/ and to fyght and rebell ageynst them to the ytermoste of his power. Therfore reuerende syr, for the duetie of obedience and fidelite/ that

The seuento

that I owe to both my parentes and to the holy seate of Rome, and agayne bycause we bothe be ioined to gether / as membres in one body of Chryste : I, lyke a catholyke man / and as one of the body of Chryste / and lyke a good childe, do not obey / but gaynsay and rebell agaynste those thinges, that be contened in your letter, bycause they swarue as playnly as can be in to that forsayde synne / whiche is to our lorde Iesus Chryste mooste abominable / and of it selfe mooste myscheuous and pestilent, and ytterly contrary to the holines of the seate apostolyc. Nor your wisdom and discretion can not decree any sharpe punishment agaynste me for this cause / if you will do nothyng / but that, whiche is ryght and reasonable. Bothe bycause all my sayeng and doing in this behalfe / is nother geinsaieng / nor geynstriuinge, or rebellion / but honour & reuerence / suche as a good childe oweth to his father and his mother : and agayne bycause the holines of the seate apostolyc can do nothyng but that, whiche shulde be to edyfieng / and not to destruction.

O the great cōstancy / & the saieng mooste comely, for a christian bysshop. For howe peruerse

peruerse a thing, & what a cōfusiō shulde
it be (as saint Barnarde saith) bi obeyeng
to euyll & nauchtie cōmandemētes/wherin
thou semeest to be obediēt to mā/to shewe
thy selfe inobediēt to god/which hath for-
biddē al that is ill done? For if god forbid-
deth that, whiche man cōmandeth, shal I
here man, and be deafe and not here god?
¶ Therefore (that we mai come to our matē
agein wber as we lefte). Truely if the pope
do suffre/bi his auctorite and power/incest
mariages to be made, or wyll not breake
them, when they be made, which (as Gre-
gory saith) be abhominable to god & to all
good men/it shal be the dutie of a louing
& a deuout biss hop/ not only to withstande
the pope openly to his face, as Paule dyd
resist Peter/bicause the pope verili is to be
reprehended & rebuked: but also with all
faire meanes & gentylnesse, and lernynge, in
tyme and out of tyme/ought to crye vpon
hym/ to rebuke/ reprove/ beseeche/ exhor-
te hym/ that the persones, so coupled to ge-
ther/maye forsake suche maryages. And
if they wyll not take the good lernynge
and counsaile of theyr biss hop, but wyl fo-
lowe their owne voluptuous plesure/ than
at

The seuento.

at the last the bysshoppe ouchte to plucke
forthe his spirituall sworde of excommu-
nication and cursyng, and to shake it vpon
suche persones, and to be take them to the
diuol, to the punysshment of their flesshe,
so that their spirite or soule be saued in the
day of our lorde Jesus/ accordyng to the
comaundment of Christe, and the exemple
of Paule. For els howe shal these prelates
do the dutie of bysshoppes and ouerseers,
as they oucht to do, if that for the cruelte,
7 thretes of the popes, they shall not dare
calle backe theyr shepe in to the waye of
truthe, that be out of the wey and losse, for
whom they shal gyue a compte in the ter-
rible and dredefull iudgement of god? Or
how shal they escape the greuous 7 sharpe
punysshmentes of god / with the whiche
god threteth them, that wyll not shewe
the wycked synner his fautes, nor wyll not
crye and gyue warnyng, whan they se the
swerde commynge, that the synner may be
conuerted fro the wronge wey to the right
wey, and to the trouthe? I, A M alyue, saith
our lorde, bycause that my flocke is rauys-
shed, and my shepe deuoured of al beastes
of the felde, bicause they had no herdeman

nor ouerseer. For trewely the sheperdes
sought not for their flocke, that, that was
weake and feble they did not strenght, that
was sycke/ they didde not heale, that was
broken/they dyd not bynde to gether, and
that, that was lost they did not seke for it,
BEHOLDE saith our lorde, I shall aske
a count of my shepeherdes for the death
of my flocke/ and I wyll cause them to
ceasse and to seade my flocke no lenger.

C And nowe euin as biss hops, for bicause
of their office and duetie, oucht not to bere
or obey the popes comandmentes in those
thinges; that we haue reherfed before; e-
uin so truely al other christian men/be thei
neuer so meane or of lowe degre, as many
as beinge toucht by the holy gost, do ones
playnely perceiue, that they do kepe suche
mariages, as be incest: they may/ yea and
are bounde for the loue and religion that
they owe to god/ not only to breke streicht
wey suche mariages/ but also with a stable
and stedfast stomac/ and suche as a chri-
stian man oucht to haue/ be bonde to with-
stande and resyste valiantly the Pope/ all
thoughe he wolde threten them by a. M.
cursynges and excomunications, that they

W

shulde

The seuenth

shulde do the contrary.

For there be two lawes saith pope Urban, one public/ an other priuate. And the public lawe is that, whiche hath ben confirmed by wrytynge of the holye fathers. The priuate lawe is the lawe/that is wrytten in mennes hartes/by the inspiration of the holye goste/as thapostoll speaketh of certeyne, VVHICHE haue the lawe of god wrytten in theyr hartes. **A**nd in another place he sayth, VVHAN the bea- thens/which haue no lawe/do NATURAL- ly / that is to say/by the inspiration of the holy goste onely/without any lawe wryten/ tho thynges that the lawe commandeth, they be the lawe to them selfe. Therfore if any of these, saith Urbane, hath people in his gouernaunce vnder the bysshop/in his church, and dothe lyue secularly, and if that he, inspired with the holy goste, wyll saue him selfe in some monastery/or amoge regular chanons: bicause this man is moued by the priuate lawe of his conscience/ that is, by the motion of the holye goste, there is no reason, that he shuld be bonde to the public lawe. For the priuate lawe is of more dignitie than the publike lawe.

For

FOR doubtlesse the spirite of god is the lawe, and, THEY that be ledde by the spirite of god, be ledde by the lawe of god/ and, VVHAT persone is it / that can of richt withstande the spirite or holy goste? Therfore who so euer is led with this spirite/lette hym go his wayes free, euen by our auctoritie / yea although his bysshop say nay. FOR there is no lawe nor bonde made for a richtwyse and a good man/ but where as is the spirite of god, there is libertie and fredome/and, IF ye be led with the spirite of god, ye be not vnder the law, that is to saye/ if we folowe the motion of the holy spirite and of our conscience/ we be not vnder the commune lawe / whiche euer ouchte to gyue place to the pryuate law. For in tho thinges/ that be forbidden by the lawe of god/ we must obey our conscience: and in other thinges the church. Nowe fyrst the church can not binde any persone to synne by her commaundement. Seconde, it can not be auoyded/ but that suche persons, whiche by the lawe of god & nature be vnlaufull to marie/ and yet be coupled by mariage, or at the leste/ that is presumed to be mariage/ do lyue in synne.

The seventh

onely excepte that they be married by ignorance, and that by such ignorance, as could not be auoyded. Finally Paule saith, HE that putterth difference betwene meate and meate, if he eate/then he is condemned/by cause that/that he dothe is not done with faith, and good conscience. For all that is not done with faith is synne.

Of these. iij. reasons/ it foloweth/ that al christian men/ if their priuate conscience, lichtened with the holy gost/ and knowlege of holy scripture, as it ought to be, hath moued them vnto it/ they may without any ieopardie/ yea and are bonde to make a diuorſe with her, whom bothe nature and the lawe of god doth forbid them to haue to their wyfe : and to delyuer them selfe from that vntrue and onely presumed and pretended mariage : the comune lawe/ what so euer it be/ notwithstanding and comendinge the contrary. Lykewise as a secular preest/ moued by his owne conscience/ and not by any lichtenes or inconstancye maye lausfully go to an other bysshoppes wyke agaynste his owne Bysshoppes wyll, no manner of decree of the fathers to the contrarye withstandinge : and as a regular.

professed, or the bysshoppe of a church/
thouch his prelate and the pope be ageinst
it/ maye lausfullye go to a streyter maner
of lyuing the comun lawe notwithstanding
and byddynge the contrarye. For suche
a one, as Innocente sayde, after that he
hathe asked lycence of his prelate to go
his waye, vpon his priuate lawe, whiche
is to be preferred before the commun lawe
he is absoyled and losed, and may frely
fulfyll his purpose of a more holier lyuing/
the sayenge nay and frowarde forbidding
of his indiscrete prelate not withstandinge.
For who so euer abuseth the power, that
is giue him/ deserueth to lese his priuilege.
And euen so it is in the maryage/ that if a
mans conscience moue him to diuorfe/ that
he diuorfe hym selfe, though the church
say cōtrary. For truly al though the church
doth not declare suche maner of diuorfe
fis, yet the church is bonde of deute to de-
clare them, & to bid openly such diuorfe to
be made. And all though the Pope by his
prepensd & expresse acte, doth not agre to
this diuorfe/ yet for all that by his secrete
acte & of duetie he vtterly agreeth vnto it.

¶ AND HITHERTO we haue shewed
D. iij. well

The seventh

well and sufficiētly/by very many reasons,
as far as it pertaineth to this purpose/
that the prohibition/ THAT we shulde
not marry our brothers wyfe/ whiche is
deade without issue/is not suche a prohibiti-
on, as stondith by constitution of man/ but
as nature fyrst did plant in mannes mynde/
and afterward chaste and reuerent sham-
facednesse hath kepte it before the lawe;
and our lord shewed it vnto his chosen
people by Moses, and such as the custome
of christian men, with great consent and
agrement of them that vseth it, hath from
the beginnyng of the christian sayth ma-
ny yeres folowed and obserued / whiche
hath so often ben renewed by counsailes,
receiued and confirmed by latter lawes.
And finally we haue proued, that the Po-
pes auctoritie can not stretch so far / that
he may dyspense with suche maryages/
whether they be made all redye, or be yet
to be made. The whiche thinges / moſte
gentyll reder / bycause we truste they will
so satisfie and content the, that we thinke
it but labour vtterly loste to seke for ayde
any farther in this matter / either of holy
scripture / or of the decrees of the church,
of

oz of the determinatiōs of the vniuersities,
that be in Italye, Fraunce, and Englande,
oz of the suffragis and voycis of the great-
teste lerned men that be / as yet there be a
great many bebynde, it semeth to vs beste
here, to couclude and make an ende of our
worke, and not to tary the any longer in
rekenninge them vp. And this one thinge/
moſte indifferent reder / we beſeeche the for
the loue that thou haſte to god, to vertue
& goodnes / that as thou ſeeſt the conſente
and agrement of ſo many vniuersities/ the
ſauour and ſtudies of ſo great lerned men,
to bende and inforce them ſelfe ſo louingly
and religiously, onely to mainteine and de-
ſende the auctorytie of the lawe of god:
that thou agayne, bothe with thy lerninge
and auctozitie, will farther and ſet forward
theyr enterpriſes, wylles, and deſires, by
all meanis that thou canſte/ remembrynge
howe fearfull and greuouſ that puniſſhe-
ment is, whiche Chriſte threatenith them
withall, that vſurpe and wrongfully take
vpō them the key of godly knowlege & ler-
ninge, & nother they them ſelfe do entre in
to it/ and yet do let & ſtoppe out other/ whi-
che do all that they can to breke in to it.



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